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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES,

FOR THE

SIXTH SESSION

OF

THE GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF LITTLE ROCK, ON MONDAY THE SECOND DAY OF NOVEMBER, IN TEE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND FORTY-SIX, AND OF AMERICAN INDEPENDENCE THE SEVENTY-FIRST YEAR, AND ENDED ON WEDNESDAY THE TWENTY-THIRD OF DECEMBER, ONE THOUSOND EIGHT HUNDRED AND FORTY-SIX.

LITTLE ROCK:
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JOURNAL OF THE HOUSE.

MONDAY, *November 2d, A. D.*, 1846.

This being the day fixed upon, by the Constitution of the State of Arkansas, for the meeting of the General Assembly, and a quorum of the members of the House of Representatives, appearing at the Representative Hall, in the State House, on motion of Mr. Richard C. S. Brown, the House came to order.

Mr. Charles F. M. Noland was called to the chair, and Mr. Jonas M. Tebbetts appointed Clerk, *pro tempore.*

The following gentlemen then came forward, produced certificates of their election, and after having been duly sworn, took their seats as members of the House of Representatives, for their respective counties, viz :

From Arkansas County, Harris Cross.

From Benton county, John H. Hammock and Wm. Thompson.

From Bradley county, Josiah Gould.

From Conway county, Richard Griffin.

From Crawford county, Eli Bell, Richard C. S. Brown, and Geo. W. Clarke.

From Crittenden county, Thomas *M.* Collins.

From Chicot county, Wilford Garner.

From Carroll county, Smith S. Matlock.

From Clark county, E. P. Kearby and Wm. Gentry.

From Desha county, Isaiah Halcomb.

From Fulton county, Lewis R. Wells.

From Franklin county, Overton B. Alston and Francis Dunn.

From Green county, George B. Croft and John M. Mitchell.

From Hempstead county, Tyra Hill and Samuel P. Jett.

From Hot Spring county, Moses R. Woods.

From Izard county, Daniel Jeffrey.

From Independence county, Henry Neill, Charles F. M. Noland, and John C. Brickey.

From Jackson county, George W. Cromwell and E. H. Bennett.

From Jefferson county, Jordan N. Embree.

From Johnson county, Wm. M. H. Newton, Samuel Farmer, and Samuel Turner.

From Lawrence county, William B. Marshall, James Childers, and Samuel Robinson,

From Lafayette county, James Abraham.

From Monroe county, Lewis B. Tully.

From Mississippi county, Elliott H. Fletcher.

From Marion county, Nathan Clements.

From Madison county, Joseph Dennis, John F. Wright, and Geo. W. Forrest.

From Montgomery county, Granville Whittington.

From Newton county, William Ramsey.

From Perry county, Nathaniel King.

From Pike county, Elisha Kelly.

From Polk county, Edward L. Pryor.

From Pope county, Jerome B. Annis and James Bruton.

From Poinsett county, James Stotts.

From Phillips county, Bailey Kendall and Elisha Burke.

From Pulaski county, Charles P. Bertrand, Richard Fletcher, and Peter T. Crutchfield.

From Ouachita county, Thomas Woodward.

From Randolph county, Joseph B. Anthony, and B. J. Wiley.

From St. Francis county, Freeman E. Patrick and Wm. H. Patterson.

From Saline county, Green B. Hughes.

From Searcy county, Samuel Leslie.

From Sevier county, Charles Pettigrew and C. P. Williams.

From Scott county, Edward A. Featherston

From Union county, Albert Rust.

From Van Buren county, Luke Grimes.

From White county, Thomas J. Lindsey.

From Washington county, Rob't Buchanan, John Billingsley, Richard A. Sharpe, Moses Stout, and Isaac Murphy.

From Yell county, Theodore P. Sadler.

Two of the members elect, Mr. Amos Kuykendall of Conway county, and Mr. James W. Turman, of Carroll, were absent.

The chair announced that nominations for Speaker of the House of Representatives, were in order.

Mr. Cross, of Green, nominated Mr. Rust, of Union.

Mr. Wiley, of Randolph, nominated Mr. Crutchfield, of Pulaski.

No further nominations being made, the roll was called, and the following members voted for Mr. Rust:

Messrs. Abraham, Annis, Bell, Bertrand, Billingsley, Brickey, Brown, Buchanan, Burke, Clarke, Collins, Croft, Cromwell, Crutchfield, Embree, Farmer, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Grimes, Hammock, Hill, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, *M*itchell, Murphy, Noland, Patrick, Pettigrew, Sadler, Sharp, Stout, Thompson, Turner, Wells, Williams, Woods, and Woodward—47.

The members voting for Mr. Crutchfield, are Messrs. Alston, Anthony, Bennett, Bruton, Childers, Clements, Cross, Dennis, Dunn, Featherrton, Forrest, Griffin, Halcomb, Marshall, Matlock, Neill, Newton, Pattreson, Ramsey, Robinson, Rust, Stotts, Tully, Whittington, Wiley, and Wright—26.

Whereupon, the chair announced that *M*r. Alber Rust having received a majority of all the votes cast, was duly elected Speaker of the House of Representatives for the term prescribed by law.

Mr. Rust having been conducted to the chair, by Messrs. Brown and Croft, entered upon the duties of his office.

The Speaker now announced that nominations for Principal Clerk of the House, were in order.

Mr. Alston, of Franklin, nominated Jonas M. Tebbetts, of Van Buren.

Mr. Clark, of Crawford, nominated Charles F. Town, of Fayetteville.

No further nominations being made, the roll was called, and the following members voted for Mr. Tebbetts:

Messrs. Alston, Annis, Anthony, Bell, Bennett, Bertrand, Billingsley, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clements, Cromwell, Cross, Dennis, Dunn, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Kelly, Kendall, King, Leslie, Marshall, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Turner, Tully, Wells, Whittington, Wiley, Williams, Woods, and Wright—61.

The members voting for Mr. Town, are Messrs. Abraham, Clarke, Croft, Crutchfield, Embree, Jett, Kearby, Lindsey, Matlock, Patterson, Woodward, and Mr. Speaker—12.

The Speaker then announced that Jonas M. Tebbetts, having received a majority of all the votes, was duly elected principal clerk of the House of Representatives; whereupon, Mr. Tebbetts took the oath of office, and entered upon the discharge of his duties.

The House then proceeded to the election of Assistant Clerk.

Mr. Annis, of Pope, nominated Mr. George S. C. Scott, of Clarksville.

Mr. Hill, of Hempstead, nominated Mr. James S. Ward, of Clarke county.

No further nominations being made, the roll was called, and the following members voted for Mr. Scott:

Messrs. Alston, Annis, Anthony, Bell, Bennett, Bertrand, Billingsley, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clements, Collins, Croft, Cromwell, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gould, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Kendall, King, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patterson, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turner, Wells, Whittington, Wiley, Woods, and Wright—57.

Those who voted for Mr. Ward, are

Messrs. Abraham, Clarke, Cross, Gentry, Hill, Hughes, Jett, Kearby, Kelly, Leslie, Pettigrew, Williams, Woodward, and Mr. Speaker—14.

The Speaker then announced that George S. C. Scott, having received a majority of all the votes, was duly elected Assistant Clerk of the House of Representatives; whereupon, Mr. Scott took the oath of office, and entered upon the discharge of his duties.

The following message was received from the Senate, by John M. Ross, Esq., Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have organized, by electing Hon. Wm. K. Sebastian, President, John M. Ross, Secretary, Wm. J. Byrd, Assistant Secretary, and Isaac J. Howard, Door-keeper, are are now ready to proceed to business.

The House then proceeded to the election of Door-keeper.

Mr. Marshall, of Lawrence, nominated Robert Bates.

Mr. Turner, of Johnson, nominated Campbell Wright.

Mr. Billingsley, of Washington, nominated Legrand W. King.

Mr. Bruton, of Pope, nominated Philip Lewis.

Mr. Grimes, of Van Buren, nominated —— Sunn.

Mr. Garner, of Chicot, nominated Stephen Huddleston.

The roll being called, it appeared that Robert Bates had twenty-seven votes, Campbell Wright had five votes, Legrand W. King had twenty-eight votes, Phillip Lewis had three votes, —— Sunn had eight votes, and Stephen Huddleston had three votes.

Those members who voted for Mr. Bates, are

Messrs. Abraham, Bertrand, Brickey, Burke, Childers, Collins, Croft, Crutchfield, Embree, Fletcher of Pulaski, Gould, Halcomb, Jeffrey, Jett, Kearby, Kendall, Marshall, Mitchell, Neill, Noland, Patrick, Patterson, Robinson, Whittington, Wiley, Woods, and Mr. Speaker—27.

Those members who voted for Mr. Wright, are

Messrs. Farmer, Fletcher of Mississippi, Newton, Sadler, and Turner—5.

Those members who voted for Mr. King, are

Messrs. Alston, Anthony, Bell, Bennett, Billingsley, Brown, Buchanan, Clarke, Dennis, Dunn, Featherston, Forrest, Gentry, Hammock, Hill, Hughes, Kelly, King, Murphy, Pettigrew, Sharp, Stotts, Stout, Thompson, Williams, Woodward, and Wright—28.

Those members who voted for Mr. Lewis, are

Messrs. Annis, Bruton, and Griffin—3.

Those members who voted for Mr. Sunn, are

Messrs. Clements, Grimes, Leslie, Lindsey, Matlock, Ramsey, Tully, and Wells—8.

Those members who voted for Mr. Huddleston, are

Messrs. Cromwell, Cross, and Forrest—3.

None of the candidates having received a majorisy of all the votes, the Speaker announced that no choice was made; whereupon, the House proceeded to ballot a second time.

The roll being called, it appeared that Mr. Bates had received thirty-three votes, Mr. King thirty-six votes, Mr. Sunn three votes, Mr. Huddleston two votes.

Those members who voted for Mr. Bates, are

Messrs. Abraham, Anthony, Bennett, Bertrand, Brickey, Burke, Childers, Clements, Collins, Croft, Cromwell, Crutchfield, Farmer, Fletcher of Mississippi, Fletcher of Pulaski, Gould, Halcomb, Jeffrey, Jett, Kendall, Marshall, Mitchell, Neill, Noland, Patrick, Patterson, Pryor, Robinson, Turner, Whittington, Wiley, Woods, and Mr. Speaker—33.

Those members who voted for Mr. King, are

Messrs. Alston, Annis, Bell, Billingsley, Brown, Buchanan, Clarke, Dennis, Dunn, Embree, Featherston, Forrest, Gentry, Griffin, Grimes, Hammock, Hill, Hughes, Kearby, Kelly, King, Leslie, Lindsey, Murphy, Newton, Pettigrew, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Wells, Williams, Woodward, and Wright—36.

Those members who voted for Mr. Sunn, are

Messrs. Bruton and Matlock—2.

Those members who voted for Mr. Huddleston, are

Messrs. Cross and Garner—2.

No candidate having received a majority of all the votes, the Speaker announced that no choice had been made; whereupon, the House proceeded to ballot a third time for Door-keeper.

Those members who voted for Mr. Bates, are

Messrs. Abraham, Anthony, Bennett, Bertrand, Brickey, Burke, Childers, Clements, Collins, Croft, Cromwell, Crutchfield, Farmer, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gould, Halcomb, Jett, Kendall, Leslie, Marshall, Mitchell, Neill, Noland, Patrick, Pryor, Patterson, Robinson, Stotts, Tully, Turner, Whittington, Wiley, Woods, and Mr. Speaker—36.

Those members who voted for Mr. King, are

Messrs. Alston, Annis, Bell, Billingsley, Brown, Bruton, Buchanan, Clarke, Cross, Dennis, Dunn, Embree, Featherston, Forrest, Gentry, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Kearby, Kelly, King, Lindsey, Matlock, Murphy, Newton, Pettigrew, Ramsey, Sadler, Sharp, Stout, Thompson, Wells, Williams, Woodward, and Wright—38.

The Speaker announced that Legrand W. King, having received a majority of all the votes given, was duly elected Door-keeper of the House of Representatives; whereupon, Mr. King took the oath of office, and entered upon the discharge of his duties.

On motion of Mr. Crutchfield, of Pulaski,

Resolved, That a message be conveyed to the Senate, informing that body that this House is now organized, by the election of Albert Rust, Speaker, Jonas M. Tebbetts, Principal Clerk, George S. C. Scott, Assistant Clerk, and Legrand W. King, Door-keeper, and is now ready to proceed to business,

Which resolution was adopted.

Mr. Collins introduced the following resolution:

Resolved, That an enrolling clerk be elected by the House, at this time, which was lost.

Mr. Croft, of Green, introduced the following resolution:

Resolved, That editors of different newspapers throughout the State, be permitted to take seats within the bar of the House, for the purpose of taking minutes of the proceedings of the House, as they may think proper, when in open session,

Which was adopted.

Mr. Crutchfield introduced the following resolution:

Resolved, That a committee be appointed on the part of this House, to act in conjunction with such committee, as the Senate may appoint, whose duty it shall be to wait upon the Governor, and inform him that both Houses of the General Assembly are now organized, and ready to receive any communication he may think proper to make;

Which was adopted, and Messrs. Crutchfield, Noland, and Clarke, were appointed on said committee.

Mr. Bertrand introduced the following resolution:

Resolved, That the rules of the last session of the General Assembly, so far as they may be applicable, shall govern the present House of Representatives, until rules shall be reported for its government, by a committee to be appointed for that purpose;

Which was adopted.

Mr. Brown, of Crawford, introduced the following resolution:

Resolved, That a committee be appointed to draft and report rules for the government of the House of Representative, during the present session;

Which was adopted, and Messrs. Brown, Bertrand, Gould, Billingsley, and Burke, were appointed on said cemmittee.

Mr. Brown, also, introduced the following resolution:

Resolved, That a committee of three be appointed to act with such committee as may be appointed on the part of the Senate, to draft and report joint rules by which the two Houses of the General Assembly shall be governed, during the present session;

Which was adopted, and Messrs. Brown, Croft, and Wiley, were appointed on said committee.

Mr. Bertrand introduced the following resolution:

Resolved, That a committee of three be appointed, whose duty it shall be to inquire and report, as soon as may be, to this House, whether the Hon. Peter T. Crutchfield, a member returned to this House, from Pulaski county, has resigned the office of Receiver of the public moneys of the United States, for the Little Rock Land District.

Resolved, further, That said committee have power to send for persons and papers;

Which resolutions were adopted, and Messrs. Bertrand, Stout, and Hughes, appointed to act on said committee.

On motion of Mr. Croft, the House adjourned until to-morrow morning, at 10 o'clock.

TUESDAY, Nov. 3d, A. D., 1846.

The House met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the Senate, by John M. Ross, Esq., Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution.

Resolved, That the *President* appoint a committee of three, with such committee as may be appointed on the part of the House of Representatives, to make and report such rules and joint rules as may be necessary for the government of the two Houses, and the intercourse between them;

To which the concurrence of your honorable body is respectfully asked.

The Senate have appointed Messrs. Williams, Maxwell, McCamy, and Reyburn, a committee on the part of the Senate.

The following message was received from the Senate, by John M. Ross, Esq., Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

R*esolved*, That the House of Representatives be notified that the Senate are ready to meet that body, in the Hall of the House of Representatives, to-day at 12 o'clock, to receive the Governor's message.

To which the concurrence of your honorable body is asked.

Mr. Crutchfield, on the part of the committee appointed to wait on the Governor, made the following report:

The committee on the part of this House to whom was referred the resolution directing them to inform the Governor that both Houses of the General Assembly were organized, and ready to receive any communication he might deem it proper to make, beg leave to report that they have performed the duty required by said resolution, and that the Governor has requested your committee to state that he will make a communication in writing to both Houses, at 12 o'clock, on this day.

Mr. Gould offered the following resolution:

Resolved, That the Senate be informed that the House will receive the Senate to hear the Governor's message, which was adopted.

Mr. Hughes offered the following resolution:

Resolved, That the clerk of this House be authorized to furnish suitable stationery for the use of the members of the House during the present session, which was adopted.

Mr. Collins gave notice that on Monday next he would introduce a resolution requesting our Representativein Congress, to use his exertions to incorporate the army and navy of the late Republic of Texas with those of the United States.

Mr. Speaker presented a report upon the State Bank of the State of Arkansas, which was laid upon the table.

*M*r. Collins introduced the following resolution:

Resolved, That on to-morrow morning the House of Representatives elect a chaplain; who shall each morning open the House with prayer.

Which, on motion of *M*r. Collins, was laid over until to-morrow morning.

*M*r. Clark, of Crawford, presented the petition of sundry citizens of Washington and Crawford counties, praying for a change of the boundary line between said counties.

On motion of *M*r. Clark, the reading of the petition, and the accompanying papers was dispensed with, and they were referred to a select committee, composed of *M*essrs. Clark, Bell, Brown, Billingsly, *M*urphey, Buchanan, Stout and Sharp.

*M*r. Croft of Green, offered the following resolution.

Resolved, That the clerk be instructed to furnish each of the members of this House with the acts of the General Assembly since the adoption of the Revised Code, also with the journals of the last session, and that he procure from the Secretary of State forty copies of the Revised Statutes for the use of the members of this House during the present session, which was adopted.

Mr. Kearby offered the following resolution:

Resolved, That the House call on the praying portion of its members to open the House with prayer alternately.

Which, on motion of Mr. Bertrand, was laid over until to-morrow.

On motion of Mr. Cromwell, the House took a recess until ten minutes before 12 o'clock, M.

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12 o'clock, M.

The Senate now appeared within the Representative Hall, and were seated.

Col. Lambert J. Reardon, private secretary to the Governor, now entered, and presented his Excellency's message, together with accompanying documents.

The message having been read, the Senate retired from the Representative Hall.

On motion of Mr. Brown, the House adjourned.

WEDNESDAY, November 4th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read.

Mr. Billingsley introduced the following resolution:

Resolved, That two thousand copies of the Governor's message, and three hundred copies of the accompanying documents be printed for the use of this House; which was adopted.

Mr. Forrest introduced the following preamble and resolutions:

Whereas, at the last session of the Legislature of this State, the following amendments to the Constitution of the State, were proposed by two-thirds of the members thereof, and published in all the neswpapers in the State twelve months before the late general election, which was held next thereafter, and this being the first session of the General Assembly after said election, Therefore,

Resolved, by the General Assembly of the State of Arkansas, That the following amendments be, and they are hereby ratified, and made, and allowed to be a part of the Constitution of the State, to-wit:

1st. No Bank or Banking institution, shall be hereafter incorporated, or established in this State.

2nd. The General Assembly shall have power to compel the judges of the circuit courts, to interchange circuits, either temporarily or permanently, under such regulations as shall be provided by law.

3rd. The General Assembly shall have power to confer such jurisdiction, as it may from time to time deem proper, on justices of the peace, in all matters of contract, covenant, and in actions for the recovery of fines and forfeitures, when the amount claimed does not exceed one hundred dollars, and in actions and prosecutions for assault and battery, and other personal offences less than felony, which may be punished by fine only.

4th. Judges of the supreme and circuit courts, clerks of the Supreme and circuit courts, attorneys for the State, sheriffs, coroners, county treasurers, justices of the peace, constables, areall other officers whose time is fixed by the constitution to a specified number of years, shall fill their respective offices for the term now specified, and until their successors are elected and qualified.

Which were laid over for the present.

Amos Kuykendall, member from Conway, appeared at the bar of the House, presented the certificate of his election, was duly sworn a member of this House, and thereupon entered upon the discharge of his duties.

Mr. Speaker announced the following standing committees for the session, to-wit:

On elections, Messrs. Marshall, Abraham, Niell, Hill, Kelly and Buchanan.

On ways and means, Messrs. Fetcher of Mississippi, Annis, Bell, Brown, Forrest and Hill.

On Public Buildings, Messrs. Bertrand, Hughes, Crutchfield, Burke, Clarke, Dunn and Ramsey.

On Banks, Messrs. Noland, Billingsley, Turner, Woodward, Wiley, Stotts, Leslie, Robinson and Murphy.

On Auditor's and Treasurer's books, Messrs. Newton, Alston, Brickey, Cross, Farmer, Fletcher of Pulaski, and Halcomb.

On the judiciary, Messrs, Brown, Fletcher of Mississippi, Gould, Bertrand, Noland and Crutchfield.

On Agriculture, Messrs. Bennett, Wells, Clements, Grimes, Griffin and Featherston.

On apportionments, Messrs. Crutchfield, Fletcher of Mississippi, Hill, Garner, Patterson, Croft, Wright and Woods.

On education, Messrs. Jett, Collins, Hill, Bertrand, Noland, Cromwell, Embree and Stout.

On the militia, Messrs. Clarke, Kearby, Kelly, Kendall, King, Lindsay and Turman.

On enrollments, Messrs. Anthony, Childers, Hammock, Jeffrey, Mitchell and Patrick.

On counties and county lines, Messrs. Gould, Niell, Mitchell, Kelly, Williams and Thompson.

On Internal Improvements, Messrs. Croft, Clarke, Dennis, Pettigrew, Abraham, Gentry, Matlock and Whittington.

Mr. Brown made the following report:

Mr. Speaker—The select committee appointed to draft and report rules and orders for the government of the House of Representatives during the present session, beg leave to report that they have examined the rules and orders by which the House of Representatives were governed at the last session of the General Assembly, and report the same to this House, and that they be adopted as the rules and orders by which this House will be governed during the present session, with this slight amendment. Strike out the words 'by five members,' in the 4th and 5th lines in the 4th section, and that the clerk of this House be required to procure two hundred and fifty copies thereof, to be printed for the use of this House, and that this committee be discharged hereof.

BROWN, *Chairman.*

RULES AND ORDERS FOR THE GOVERNMENT OF THE HOUSE OF REPRESENTATIVES.

1. The Speaker shall take the chair at the hour to which the House shall have adjourned on the preceding day, immediately call the House to order, and, on the appearance of a quorum, cause the journal of the preceding day to be read.

2. He shall preserve decorum and order, may speak to points of order in preference to other members, (rising from his chair for that purpose) and shall decide questions of order, subject to an appeal to the House by any two members.

3. The Speaker (rising from his seat) shall put the question distinctly, in this form, to-wit: "you who are of the opinion that (as the case may be) say aye, contrary opinion say no."

4. If the Speaker doubt, or a division be called for, the House shall divide: those in the affirmative shall rise from their seat; and afterwards those in the negative; if a count is required the Speaker shall tell the members, beginning with the affirmative, and (rising from his seat) shall state the division to the House.

5. Any member may call for a statement of the question, which the Speaker may give sitting.

6. All committees shall be appointed by the Speaker, ueless otherwise directed by the House, in which case they shall be appointed by ballot, and the person or persons having the highest number of votes shall be appointed, unless a greater number than are required to compose the committee shall have an equal number of votes, in which case the House shall proceed to a further ballot.

7. In all cases of ballot by the House, and in all questions where the yeas and nays are called the Speaker shall vote, he being the last in voting.

8. The Speaker, with three members, shall be a sufficient number to adjourn, five to call a House and send for absent members, in all cases where an absent member shall be sent for and he shall fail to attend in obedience to the summons, the report of the messenger shall be entered upon the journal.

9. When a member is about to speak, in debate or otherwise, he shall rise from his seat, and address himself to Mr. Speaker.

10. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may call to order, in which case the member so called to order shall immediately take his seat, unless permitted to explain: and the House shall, if appealed to, decide on the case without debate; if there be no appeal the decision of the chair shall be submitted to, and if the decision be in favor of the member called to order, he shall be at liberty to proceed.

11. If two or more persons happen to rise at once, the Speaker is to name the person who shall speak first.

12. No member shall speak more than twice on the same question without leave of the House, nor more than once until every member choosing to speak shall have spoken.

13. While the Speaker is putting the question, or addressing the House, no one shall walk out of, or across the House, neither in such case, nor when a member is speaking, shall any private discourse be entertained, nor while a member is speaking shall any one pass between him and the chair.

14. No member shall vote upon any question, in any case when he was not present when the question was put.

15. Every member who shall be in the House when the question is put shall vote, unless the House shall excuse him.

16. When a motion is made and seconded, it shall be stated by the Speaker, or if in writing it shall be handed to the clerk, and by him read aloud, before debated.

17. Every motion shall be in writing if the Speaker, or any member desire it.

18. After a motion is stated by the Speaker, or read by the clerk, it shall be deemed to be in the possession of the House.

19. When a question is under debate, no motion shall be received but to adjourn, to lie on the table, to postpone indefinitely, to postpone to a day certain, to commit, or amend, or for the previous question, and a motion to adjourn shall always be in order, and be decided without debate.

20. In all cases of competing questions, as of the previous question and postponement, and amendment, or postponement and previous question, commitment and amendment, or commitment and previous question, postponement and amendment, or amendmendment and previous question, the first moved shall be first put.

21. In filling up blanks, the longest time, and largest sum shall be taken first.

22. The previous question shall be put in this form, "shall the main question be now put?". It shall be admitted, only when demanded by five members, and until decided shall preclude all amendment and further debate.

23. On a previous question no member shall speak more than once without leave.

24. Any member may call for a division of the question when the sense will admit of it, unless the yeas and nays are previously called.

25. A motion for commitment, until it is decided, shall preclude all amendment.

26. Upon calls of the House, for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat, as it shall be

deemed out of order for any member to be out of his seat when the question is put, and in such case, the Speaker shall call to order before he puts the question.

27. Any five members shall have the right to call for the yeas and nays.

28. No committee shall sit during the sitting of the House, without special leave.

29. Any member may excuse himself from serving on any committee at the time of his appointment, if he is then a member of three other committees.

30. No member of the House shall absent himself from the service of the House unless he have leave, or be sick, or unable to attend.

31. Upon the call of the House the names of the members shall be called over by the clerk, and the absentees noted, after which the names of the absentees shall again be called, and those for whom no excuse, or an insufficient one is made, shall not be entitled to receivea certificate of attendance for the time heor they may have been absent.

32. Every bill shall be introduced by a motion for leave, in cases of a general nature, one days notice, at least, shall be given of a motion to bring in a bill, or by order of the House on a report of a committee, and all bills shall be taken up in order as they were introduced, unless the House shall direct otherwise.

33. The first reading of a bill shall be for information, and if opposition shall be made to it, the question shall be, "shall the bill be rejected?" If no opposition be made, or if the question to reject be lost, the bill shall go to a second reading.

34. Upon the second reading of a bill, the Speaker shall state it as ready for commitment, amendment, or engrossment, and if committed then the question shall be, whether to a select or standing committee, or a committee of the whole House. The House shall determine on what day, but if the bill be ordered to be engrossed, the House shall appoint the day when it shall be read a third time. After commitment and report thereof to the House, the bill may be recommitted at any time before its passage except after engrossment for a third reading.

35. All bills ordered to be engrossed shall be executed in a fair, legible hand, when a bill shall pass, it shall be certified by the clerk, noting the time of its passage at the foot.

36. In forming a committee of the whole House, the Speaker shall leave the chair, and a chairman to preside in committee shall be by him appointed.

37. Upon bills committed to a committee of the whole House, the bill shall be first read throughout by the clerk, and then again read, and debated by clauses, leaving the preamble to be last considered, the body of the bill shall not be defaced or interlined, but all amendments, noting the page and line, shall be entered by the

clerk on a separate paper, and so reported to the House: after report, the bill shall again be subject to be debated, and amended by clauses, before the question to engross it be taken.

38. All amendments made to reports committed to a committee of the whole House, shall be incorporated with the motion, and be so reported.

39. All amendments made to a report committed to a committee of the whole House, shall be noted and reported as in case of bills.

40. No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its full discussion in a committee of the whole House.

41. No tax or duly voted by a committee of the whole House, shall be increased in the House, until the motion or proposition shall first be discussed and voted in a committee of the whole House, and so in respect of the time of its continuance.

42. The rules of proceeding in the House shall be observed in committee, so far as they may be applicable, except limiting the number of times of speaking.

43. No standing rule or order shall be revised or amended, without one day's notice being given of the motion therefor.

44. The Speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment; and if during the time of such substitution the Speaker shall submit any proposition or motion, upon which the House shall order a committee, such committee shall be appointed by the Speaker *pro tem.*

45. No person except members of the Senate, their Secretary, the Governor, Ex-Governor, Secretary of State, Judges of the Supreme and Circuit Courts, the Auditor and Treasurer of the State, and such other gentlemen as have been members of either branch of the Legislature, shall be admitted within the bar of the House of Representatives, during the sitting of the same.

46. The presiding officer of the House shall be invested with discretionary powers to send communications to the Senate on all subjects where he may deem it necessary or expedient,

47. All memorials to the Congress of the United States shall be read three times, and be subject to the same rules and regulations that bills are.

48. On the call of the House, the business then pending shall be suspended for one hour, and the absent members sent for; at the end of which time the roll shall again be called, the absent members noted, and the business suspended upon the call, shall progress; provided, however, that should the absent members appear sooner, the business then pending shall progress before the expiration of the hour.

49. Two-thirds of the House may, at any time, dispense with the rules, and the question shall always be put in this form, to-wit:

"Those in favor of dispensing with the rules, will make it known by rising."

Mr. Collins moved an amendment to said report, in the fourth section, by inserting immediately after the words "if a count be required," the words "by five members;" which was lost.

Mr. Collins, also, offered the following amendment:

50. Orders of the day shall not be discharged, at any time, so as to give precedence to any bill; which was adopted.

On motion of Mr. Brown, the report, as amended, was adopted.

Mr. Brown offered the following resolution:

Resolved, That the doorkeeper be instructed to procure some two or more tables, and a sufficient number of seats to accommodate the several Editors of newspapers within this State; and that the tables and seats be placed in some convenient part of the legislative hall.

Which was adopted.

Mr. Croft introduced the following resolution:

Resolved, That the clerk of this House be directed to have the printing of the Governor's message, and accompanying documents, and other printing that may be done for this House, until a printer be elected, done at the lowest price bid by any printing office in this city; which was adopted.

Mr. Gould introduced the following:

Resolved, That the clerk of the House be authorized and required, to procure two copies of Shall's map of Arkansays, for the use of the standing committee on the judiciary, and on counties and county lines.

Which was adopted.

Mr. Brown introduced the following preamble and resolution:

Whereas, by an act of the legislature of 1842, apportioning the representation of the different counties of the State, the county of Sevier was entitled to two representatives for the next four years; And whereas, at the session of 1844, the legislature formed a new county, called Polk county, out of a part of Sevier county; And whereas, the county of Sevier has returned two members to this House, and the county of Polk one member, which, with the other members elect, make seventy-six members in this House, which is one member more than is authorized by the constitution, until the State shall contain a population of five hundred thousand souls;—therefore,

Resolved, That a committee of seven be appointed, whose duty it shall be to investigate the rights of the two members from Sevier county, and the member from Polk county, and report to this House whether all or any of said members be entitled to a seat, or seats in this House.

Mr. Noland moved that said committee be appointed by the House; which was agreed to.

Thereupon' Mr. Speaker appointed Messrs. Noland and Brown, tellers in election of said committee.

The tellers having performed their duty, it appeared that the gentlemen having the largest number of votes, are Messrs. Noland, Brown, Crutchfield, Bertrand, Croft, Marshall and Collins.

Mr. Speaker then announced the above named gentlemen as constituting said committee.

The following communication was received through the hands of Mr. Speaker, accompanied by an abstract of the census of the present year:

Office of the Secretary of State,
Little Rock, 4th Nov. 1846.

Sir—I have the honor to lay before the House of Representatives, the accompanying abstract of the census, taken for the present year.

Very respectfully,
D. B. GREER,
Secretary of State.

Hon. A. Rust, Speaker of the House of Representatives.

On motion of Mr. Brown, the above communication, together with the accompanying documents was referred to the committee on apportionments.

Mr. Clarke gave notice that on to-morrow he would ask leave to introduce a bill, entitled "an act supplementary to the 38th chapter of the Revised Statutes of the State of Arkansas, under the head of county revenue."

The following was laid before the House by Mr. Speaker.

Little Rock, Arkansas,
4th November, 1846.

Sir—The undersigned committee of the Grand Lodge of Free and Accepted Masons, of the State of Arkansas, respectfully request the use of the Hall of your honorable House, on Thursday the 5th inst., at the hour of 2, p. m., for the purpose of installing the officers of said Grand Lodge.

We have the honor to be,
with great respect,
your obedient servants,
HENRY NEILL,
JABEZ S. SMITH,
R. C. S. BROWN.
Committee.

Hon. A. Rust, *Speaker of the*
House of Representatives.

Mr. Brown introduced the following:

Resolved, That the Grand Lodge of the State of Arkansas, of Free and Accepted Masons, have the use of the Representative Hall on Thursday the 5th inst., at 2, p. m., for the purpose of installing the officers of said Grand Lodge.

Which resolution was seconded by Mr. Collins, and adopted.

Mr. Noland introduced the following:

Resolved, That the select committee on the election of members of this House from the counties of Polk and Sevier, have power to send for persons and papers; which was adopted.

Mr. Brickey introduced the following resolution:

Resolved, That a committee of three be appointed to receive proposals for the execution of the public printing during the present session of the General Assembly, and that they be required to report to this House on Monday next;

Which was adopted.

Messrs. Brickey, Bertrand and Wiley, were appointed said committee.

Mr. Clarke gave notice, that on to-morrow he would ask leave to introduce a bill to call in the scrip of Crawford county.

On motion of Mr. Stotts, the House adjourned.

THURSDAY, November 5, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read.

Message from the Senate, by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following preamble and resolutions, unanimously:

Whereas, an all-wise Providence has taken from amongst us our esteemed and worthy fellow-citizen, Miller Irwin, late a member of our body, since its last session; Therefore,

Be it Resolved by the Senate and House of Representatives of Arkansas, That in the melancholy dispensation which has deprived us of one of our members, the country has lost one of its most useful citizens,and faithful servants, and society been deprived of one of its brightest ornaments; a man who in all the relations which bound him to his country, his friends, and his family, so demeaned himself, that while he obtained the respect and confidence of his fellow men, he won the generous opinions of his friends, and the affectionate devotion of his family.

Resolved, That as a testimonial of the many virtues of the deceased—the estimation in which we held him, and an expression of the deep sympathy, which in common with all who knew him, we feel for his untimely loss, the members of the General Assembly will wear the usual badge of mourinng for thirty days.

To which the concurrence of your honorable body is respectfully asked.

Mr. Speaker announced that petitions from counties were in order.

Mr. Murphy, of Washington, presented the following petition:

To the Honorable, the General Assembly
of the State of Arkansas:

The petition of Williamson S. Oldham, respectfully states and shows to your honorable body, that the United States having obtained judgment against the Bank of the State of Arkansas for a large amount, in the circuit court of the United States for the district of Arkansas, sued out a writ of execution, which came to the hands of Henry M. Rector, late Marshal of Arkansas, who levied the same upon a large amount of property belonging to said bank, of the value perhaps of forty or fifty thousand dollars; the said property was sold, and bought up at about twenty-five hundred dollars. Believing that the sales were invalid, the Receiver of the branch at Fayetteville, where the greatest sacrifice was sustained, employed your petitioner to appear before the United States Circuit Court, and have said sales set aside.

It being doubtful whether officers of the bank were authorized by law to make any positive contract with regard to compensation, it was agreed that if said sales should not be set aside, your petitioner would make no charge, and in case they should be set aside, the matter should be referred to the Legislature to confer authority upon the bank officers to settle with your petitioner, and grant him a reasonable compensation.

In consideration of said agreement your petitioner, in connection with the attorney of the principal bank, appears before the United States Circuit Court, made and argued a motion to set aside said sales, which motion was sustained, and the sales set aside.

Your petitioner respectfully prays that a bill or resolution be enacted by the legislature, granting him a reasonable compensation for his services in the premises, or authorize the officers of the bank to settle and adjust the same.

And your petitioner, as in duty bound, &c.

W. S. OLDHAM.

Little Rock, Nov. 5th 1846.

On motion of Mr. Murphy, said petition was referred to a select committee, consisting of Messrs. Murphy, Annis, Alston, Croft, and Bell.

Mr. Forrest presented the petition of Nathaniel Bell and 68 others living in township 17, north of range 27 west, in relation to the 16th section in said township, appropriated to the use of schools.

On motion of Mr. Dunn, said petition was referred to a select committee, consisting of Messrs Forrest, Billingsly, Dunn, Collins and Wright.

Mr. Forrest presented the petition of Baylis Shewmate, and Mary Shewmate, asking to change the name of Mildred Ciphers to Mildred Shewmate.

Which was referred, on motion of Mr. Forrest, to a committee, consisting of Messrs. Forrest, Buchanan, Wells, Jett, and Brickey.

Mr. Brickey presented the petition of Henry F. Bone, administrator of the estate of James Bone, deceased, in relation to the estate of said deceased.

Which, on motion of Mr. Brickey, was referred to a select committee, consisting of Messrs. Brickey, Bertrand and Wiley.

Mr. Noland, on the part of the committee to whom was referred the resolution concerning the relative right of the members from Sevier and Polk, to seats in this House, made the following report:

Mr. Speaker—The select committee to whom was referred the resolution of Mr. Brown, of Crawford, calling for an enquiry in relation to the seats of the members of this House from the counties of Sevier and Polk, have had the same under consideration, and find that by the act of the legislature of 1842, apportioning representatives among the several counties, the county of Sevier was entitled to two representatives. The county of Polk was created by the act of 1844, and formed entirely out ot the county of Sevier, but neither the act creating the county of Polk, nor any subsequent act of the legislature provided that the counties of Sevier and Polk should jointly vote for representatives at the general election holden on the first Monday in August of the present year. Messrs. Pettigrew and Williams were returned as members from Sevier, and Luke Pryor as a member from Polk county; and from the testimony offered to the committee, it appears that by the writ of election of the sheriff of Polk county, only one representative was to be chosen in said county of Polk, which also appears by the returns of the clerk of said county to the Secretary of State; and further it appears, that Messrs. Pettigrew and Williams were not candidates in said county of Polk, nor were their names put upon the poll-books of said county. It further appears that in the county of Sevier the name of Mr. Pryor was upon the poll-books of some of the townships. From all the evidence adduced, it seems the people of both counties labored under an erroneous impression as to the manner in which they ought to vote.

The question is novel, involving the rights of the people of two counties. Three Representatives have been returned where the Constitution allows but two; and how to discriminate in the matter, so as to preserve inviolate, the Constitution of the State, the laws of the land, and guard the rights of the people of these two counties, is somewhat difficult.

Fully apprised of the importance to both counties of a representation at this time, and the more so that the resignation of the Hon. Joseph McKean, deprives them of representation in the other House, yet the committee can see no way of settling this question according to the law of the land, and justly as to the counties of Sevier and Polk, otherwise than by a reference of the whole matter back to the people of those counties, who alone have the power to make the proper correction. With this view, they have instructed me to report the following resolution;

Resolved, That the seats of Messrs. Pettigrew and Williams, members from Sevier, and the seat of E. L. Pryor, member from Polk, be, and the same are hereby declared vacant.

Mr. Noland suggested that a minority report would be brought in, and moved that the above report lay on the table until that time.

Which was agreed to.

Mr. Crutchfield introduced the following substitute for the foregoing report:

Peter T. Crutchfield, one of the minority committee in case of Messrs. Pettigrew, Williams, and Pryor, made the following report:

From the statements made before the committee, and documents examined by them, the facts of the case appear to be these:

Previous to the late general election the sheriff issued his proclamation for the election of certain officers for Polk county, and also, for a separate representative for said county to the General Assembly. On the 3d day of August, being the day of election, Mr. Pryor received 83 votes in said county, for representative in said county, and received the certificate of the clerk that he was duly elected a representative from said county. It further appears from documents in the Secretary's office, examined by the committee, that at the late election in Sevier county, Charles Pettigrew received 315 votes, Cockly Williams 311 votes, and said Pryor 50 votes. It is not absolutely certain, from the statements made before the committee, that the sheriff of Sevier county issued his proclamation for the election of Representatives conjointly from the counties of Seviez and Polk. It is reasonable to supppose that he did so, as the said Pryor, who lives in Polk, run in Sevier county, and received, as already stated, fifty votes in said county. The said Pettigrew and Williams having received a majority of votes in Sevier county, were declared duly elected, and received their certificate to that effect. These are simply the facts of the case.

Let us now endeavor to apply the Constitution and the law. Agreeably to the Constitution, the last apportionment was made in 1842, when the number of members of this House was increased to 75, beyond which number there is a positive prohibition of the Constitution to any further increase until the population of the State shall amount to 500,000 souls. By admitting all three of the claimants to seats in this House, our number is increased to 76, and is, therefore, a violation of the Constitution. The question now arises which one of the three persons is not elected agreeably to the Constitution and laws of the State. For it is a matter not controverted, that the district of country included in the two counties of Sevier and Polk, was and is entitled to two Representatives on this floor. Polk county, as such, and by such name, was and is, as yet, unknown to any apportionment law. An apportionment of representation is required by the Constitution to be made every four years, with the aforesaid restriction. At the last apportionment made as previously stated, in 1842, there was apportioned to the county of Sevier, then including Polk county, two representatives. Polk county was made at the last session of the General Assembly, about two years subsequent to the last apportionment of representatives. Polk county, is, therefore, not entitled to a separate representation, because it was made since the last apportionment, and consequently has never been included in any apportionment bill passed conformably to the Constitution, which alone could give to it a separate representation. This must have been the view the Governor took of this subject, when he issued his proclamation of 30th June last, wherein he enjoins the sheriff of Sevier county to hold an election for two Representatives in said county. Polk county is not mentioned in said proclamation. It is alleged, that because the Gen. Assembly in making Polk county, did not set forth in the act that it should vote conjointly with Sevier, or some other county, therefore it was entitled to a separate representation; in response to which, it may be sufficient to remark, that although the Legislature had the constitutional power to make the county of Polk out of a part of Sevier; yet, at that time, as four years had not elapsed since the last apportionment, they had not the constitutional right to detach a part of the territory of Sevier with the view of giving it a separate representation. By operation of the apportionment law of 1842, the territory constituting the county of Polk, without any further legislative provision for that purpose, would necessarily be obliged to vote in all elections for Senator and Representatives with the county of Sevier. It was an illegal act, therefore, on the part of the sheriff of Polk, to have ordered a separate election in said county for Representative, and one which the voters should have disregarded. The cousequence was that eighty-three votes were cast for Mr. Pryor, in that county, which added to the fifty he got in Sevier, where he was also run as a candidate, makes the total number he received in both counties, amount to 133: whereas, Mr. Pettigrew receved in Sevier county, 315, being a majority over Mr. Pryor, in both counties of one hundred and eighty-two votes: and Mr. Williams received in Sevier county three hundred and eleven votes, being a majority in the two counties of one hundred and seventy-eight votes over Mr. Pryor. If Polk county, could have given Mr. Pryor a majority over Mr. Pettigrew or Williams, or had he obtained a majority over them in Sevier, or in both counties, he would have been elected by virtue of the apportionment law of 1842, and not by the act making Polk county. As Polk county, according to the positions we have established is not entitled to a separate representation, and as Messrs. Pettigrew and Williams received a large majority of the votes, notwithstanding Mr. Pryor was run in both counties, we believe it would be doing manifest injustice to a large majority of the voters of those counties to say that Messrs. Pettigrew and Williams are not entitled to seats as members of this House.

We therefore, offer for adoption the following resolution:

Resolved, That Messrs. Pettigrew and Williams aie entitled to seats in this House, and as the county of Polk is not entitled to separate representation, Mr. Pryor is not entitled to a seat in this House.

Mr. Crutchfield moved the adoption of the above report in lieu of the majority report; which was agreed to.

Mr. Murphy moved to lay the whole subject on the table until to-morrow: agreed to.

The resolution of the gentleman from Crittenden, in relation to the election of a chaplain for the House was taken up.

Mr. Collins moved its adoption.

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

The members voting in affirmative, are

Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Childers, Clements, Collins, Croft, Fletcher, of Miss., Fletcher, of Pulaski, Garner, Gentry, Gould, Grimes, Jett, King, Matlock, Murphy, Noland, Patrick, Patterson, Stotts, Woods, and Mr. Speaker—25.

Those members voting in the negative, are

Messrs. Alston, Anthony, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Clarke, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, *F*armer, *F*eatherston, *F*orrest, Griffin, Hammock, Hill, Halcomb, Hughes, Jeffrey, Kearby, Kelley, Kendall, Leslie, Lindsay, Marshall, Mitchell, Neill, Newton, Ramsay,, Robins, Sadler, Sharp, Stout, Thompson, Tully, Turner, Wells, Whittington, Wiley, Woodward, and *W*right—46.

Mr. Kearby offered the following as amendatory, or in lieu of a resolution in relation to the employment of a chaplain, offered by him on the 3d inst.

Resolved, That one of the praying portion of the House of Representatives shall be called on by the House, each morning to open the House by prayer, without any other consideration than his *per diem* pay; which was lost.

Mr. Bertrand offered the following resolution:

Resolved, That so much of the Governor's message as refers to the Penitentiary be referred to the committee on ways and means;

Which was adopted.

Mr. Hughes offered the following:

Whereas the Penitentiary of this State has been destroyed by fire, and the convicts who were confined there are now confined in the Pulaski county jail, at a heavy charge to the State: and whereas the State of our finances is such that the necessary appropriation cannot be made to build said Penitentiary; Therefore,

Resolved, That a committee of five be appointed to take into consideration the propriety of rebuilding the Penitentiary, and whether the convicts who are now in confinement in said jail, cannot be profitably employed in rebuilding the Penitentiary: and if so, what would be the expense of employing a superintendant to carry on the work; and also what would be the probable cost of the materials, that would have to be furnished at the expense of the State to complete said building, and that they report by bill or otherwise.

Mr. Gould gave notice that on to-morrow he would ask leave to introduce a bill to change the name of James F. Reaves of Bradley county, to that of Doctor Ridgely Reaves.

Mr. Wells gave notice that on to-morrow he would ask leave to introduce a bill to amend the 1st section of the 30th chapter of the Revised Statutes, under the head of county revenue.

Mr. Cromwell gave notice that on Monday next he would ask leave to introduce a bill for the relief of the purchasers of the 500,000 acre donation for internal improvement and other purposes.

Mr. Hill of Hempstead offered the following:

Resolved, That this House, with the concurrence of the Senate, go into the election of United States Senator on Saturday the 7th day of November, at 11 o'clock.

Mr. Bell gave notice that on to-morrow he would ask leave to introduce a bill, to be entitled "an act to authorize the administratrix of Robert S. Gibson deceased, late of Crawford connty, to sell real estate to judgment creditors by private contract.

Mr. Patrick gave notice that on Tuesday next he would ask leave to introduce a bill to amend the administration law; also, the road law.

Mr. Patterson gave notice that on Monday next he would introduce a bill to declare the L'Anguille a navigable stream.

Mr. Kelly instroduced the following resolution:

Resolved, That our Senators and Representative in Congress, be instructed and requested to use their influence with the post-master general of the United States to have the mail carried from Antoine, Clark county, to Murfeesboro, Pike county, by James Scott's and John Russell's, through Paraclifta, Sevier county, to some point on Red River, once a week.

Mr. Speaker presented some depositions and other papers to the House in relation to contesting the election of *M*r. Croft, a member of the House.

Mr. Stotts moved that all the papers in relation to said contested election be laid on the table until Mr. Lester, who contests said election appear before the House, which was agreed to.

Mr. Collins moved that Messrs. Patrick and King be added to the committee on counties and county lines. The names of Messrs. Clements and Stotts were also added to said committee.

*M*r. Bertrand offered the following:

Resolved, That so much of the Governor's message as relates to the 5 per cent fund due the State of Arkansas by the United States, and all the correspondence on that subject as well as the correspondence in relation to the interest due on the State Bonds, be referred to the committee on ways and means, which was adopted.

Mr. Crutchfield offered the following:

Resolved, That so much of the Governor's message as relates to apportionment, be referred to the committee on that subject, which was adopted.

Mr. Bertrand moved that the preamble and resolutions of the Senate in relation to the Hon. Miller Irwin decased, late a member of that body, be concurred in.

Which was unanimously agreed to.

On motion of Mr. Crutchfield, the House adjourned.

FRIDAY, November 6th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read.

Petitions from counties were announced to be in order.

Mr. Kearby presented the petition of A. G. Johnston and others, citizens of Arkadelphia, in Clark county, praying for an act incorporating said town.

Which petition was referred to a select committee consisting of Messrs. Kearby, Crutchfield and Gentry.

Reports of standing committees were in order.

Mr. Kearby presented the petition of John and Joseph Huffman administrators of the estate of John Huffman deceased, in relation to the sale of real property.

Which was referred to the committee on the judiciary.

Reports from select committees were in order.

Mr. Wells, in pursuance of previous notice, with leave, introduced a bill entitled "an act to regulate the collection of poll tax," which was read a first time.

On motion of Mr. Featherston, Mr. Embree was added to the committee on Banks.

On motion of Mr. Billingsly, *Mr*. Gould was also added to said committee.

On motion of Mr. Billingsly, Mr. Clarke was added to the committee on apportionments.

Message from the Senate.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolutions:

Resolved, That the General Assembly of the State of Arkansas proceed to the election of a United States Senator, whose term shall commence on the 4th of March 1847, on Monday next, at 12 o'clock, M.

Resolved, That a committee on apportionment, to consist of seven, one from each judicial district, be appointed to act in conjunction with such committee as shall be appointed by the House on the same subject.

To which the concurrence of your honorable body is respectfully asked.

The Senate have appointed Messrs. Underhill, Byrd, Pearce, Newton, Gainer, Mitchell and Rose, said committee.

Mr. Brown introduced the following resolution:

Resolved, That the following standing committees be made joint committees, to-wit:

The committee on Ways and Means.
“ “ “ Education.
“ “ “ Banks.
“ “ “ Public Buildings.
“ “ “ The Militia.
“ “ “ Enrollments.
“ “ “ Counties and county lines.
“ “ “ Auditor's and Treasurer's Books.
“ “ “ The Judiciary.
“ “ “ Agriculture.

And that the Senate be respectfully requested to concur therein.

Which was adopted.

Mr. Wells offered the following:

Resolved, That a standing committee on Public Lands be appointed.

Which was adopted, and Messrs. Wells, Patrick and Burke appointed such committee.

Mr. Anthony offered the following.

Resolved, That the General Assembly go into the election for Prosecuting Attorneys of the several judicial districts at 12 o'clock, M. to-morrow, and that the Senate be requested to concur therein.

Mr. Murphy gave notice that on Monday next, or some convenient day thereafter, he would ask leave to introduce a bill to change the times of holding the circuit courts in the several counties of the 4th judicial circuit.

Mr. Forrest gave notice that on Wednesday next, he would ask leave to introduce a bill to adopt Mildred Ciphers an heir of Baylis Shewmate, and Mary his wife.

Mr. Forrest further gave notice that on Monday next, he would ask leave to introduce a bill to apportion the proceeds of the 72 sections of land in the several counties according to their population, and for other purposes.

Mr. Lindsay of White, gave notice that on Wednesday next, he would ask leave to introduce a bill to extend the time for collecting the taxes in White county, for the year 1846.

Mr. Gould gave notice that on to-morrow he would ask leave to introduce a bill to amend the 85th chapter of the Revised Statutes, relating to jurors.

In pursuance to previous notice, Mr. Gould, with leave, introduced a bill entitled "an act to change the name of James F. Reaves, of Bradley county, to that of Doctor Ridgely Reaves," which was read a first time.

Message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

Resolved, That a committee be appointed, to act with such committee as may be appointed on the part of the House of representatives, whose duty it shall be to receive proposals, and contract with the lowest bidder, for the execution of the printing of the General Assembly, and such other printing as the public service may require previous to the meeting of the next General Assembly, and that such joint committee be instructed to take bond with sufficient security, in the name of the State, for the faithful performance of the contract."

To which the concurrence of your honorable body is respectfully asked.

The committee on the part of the Senate, are Messrs. Hampton, Gaines, and Mayfield.

Mr. Clarke, according to previous notice, with leave, introduced a bill entitled "an act supplementary to the 38th chapter of the Revised Statutes of Arkansas, under the head of county revenue," which was read a first time.

Mr. Croft introduced the following:

Resolved, That that portion of the Governor's message which relates to revenue, be referred to the standing committee on ways and means.

Which was adopted.

Mr. Robinson introduced the following:

Resolved, That so much of the Governor's message as relates to the sale of the assets of the State Bank to the highest bidder, be referred to the committee on banks.

Which was adopted.

Mr. Robinson introduced the following:

Resolved, That so much of the Governors's message as relates to the proceeds arising from the sales of the 500,000 acre donation, and all other matters connected with said donation be referred to the committee on internal improvement.

Which was adopted.

Mr. Wiley moved that the orders of the day be taken up; which was agreed to.

Message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

Resolved by the Senate and House of Representatives of the State of Arkansas, That the committee appointed by the two houses of the General Assembly, on the Auditor's and Governor's books, shall be a joint committee, as contemplated by the 36th section of the 18th chapter of the Revised Statutes.

To which the concurrence of your honorable body is asked.

The resolution of the Senate fixing the time of electing a United States' Senator to Monday next, at 12 o'clock, M., was taken up and read.

Mr. Bertrand moved to amend said resolution by striking out "on Monday next," and inserting "at 3 o'clock this day."

Mr. Croft moved to reject the amendment; which motion was sustained.

Mr. Hill moved that the House concur in the resolution as it came from the Senate: which was agreed to.

The resolution from the Senate, relating to public printing, was taken up and read.

Mr. Gould moved that the House concur in said resolution, and that a select committee of seven be appointed to act in conjunction with the committee on the part of the Senate upon this subject; which motion was agreed to.

Mr. Speaker appointed Messrs. Gould, Bertrand, Clarke, Murphy, Robinson, Hill, and Halcomb, said committee.

The resolution of the Senate, in relation to apportionment, was taken up and read.

On motion of Mr. Woodward, said resolution was concurred in, and the standing committee of the House on that subject, appointed to act in conjunction with said committee of the Senate

Mr. Forrest's resolution, with regard to the adoption of certain amendments to the constitution, was taken up and read a first time; and on his motion was ordered to a second reading.

On motion of Mr. Bertrand, the order for a second reading was reconsidered.

Mr. Crutchfield moved that the proposed amendments to the constitution, lay on the table until to-morrow morning; which was agreed to.

On motion of Mr. Croft, the minority report, in relation to the rights of Messrs. Pettigrew, Williams, and Pryor, to seats in this House, was taken up and read.

Mr. Crutchfield moved the adoption of said minority report.

Mr. Bertrand called for the yeas and nays; which was concurred in, and the roll called.

Those voting in the affirmative, are Messrs. Abraham, Alston, Annis, Anthony, Billingsly, Brickey, Bruton, Buchanan, Clarke, Croft, Cromwell, Cross, Crutchfield, Dunn, Embree, Farmer, Featherston, Fletcher, of Mississippi, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kelley, Kendall, King, Lindsay, Matlock, Mitchell, Murphy, Neill, Newton, Ramsay, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turner, Wells, Wiley, Wright, and Mr. Speaker—50.

Those voting in the negative, are Messrs. Bertrand, Brown, Burke, Childers, Clements, Collins, Dennis, Fletcher, of Pulaski, Leslie, Marshall, Noland, Patrick, Patterson, Robinson, Whittington, Woods, and Woodward—17.

Mr. Bertrand introduced the following:

Resolved, That the Speaker of this House certify the account of E. L. Pryor, whose seat has been vacated, for pay and mileage, as a member of this House, up to, and including this day.

Which was adopted.

Mr. Crutchfield offered the following:

Resolved, That the Secretary of State be directed to report to this House without delay, the evidence of his compliance with the 15th section of the act approved the 9th of January, 1845, relative to the publication of certain proposed amendments to the constitution;

Which was adopted.

Mr. Brown gave notice that on Saturday next, he would ask leave to introduce a bill, to be entitled "an act to amend the criminal law of this State."

Mr. Forrest gave notice that on Friday next, he would ask leave to introduce a bill to regulate the duties of constables, and for other purposes.

Mr. Hammock gave notice that on Tuesday next, he would ask leave to introduce a bill to change the manner of voting; also, a bill to change the mode of assessing the value of property; also, a bill to authorize the Auditor to give sheriffs' credit, in the settlement, of their accounts, for all services which they may perform for the State.

Mr. Brown introduced the following:

Resolved, That the clerk of this House be directed to read the Governor's message, in order that reference therefrom may be made to the appropriate committees.

Which was lost.

On motion of Mr. Hughes, the House adjourned.

SATURDAY, November 7, 1846.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

On motion, leave of absence was granted to Messrs. Bennett and Cross.

Petitions from counties were now in order.

Mr. Speaker presented the petition of James Corrall and divers others, citizens of Union county, praying the re-establishment of a road between W. G. Gresham's on the west, and Samuel Howell's on the east in said county.

On motion of Mr. Woodward, said petition was referred to a select committee, composed of Messrs. Woodward, Brown and Clarke.

Message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to declare the Porteau river, and all its navigable slues, a navigable stream."

To which the assent of your honorable body is respectfully asked.

Mr. Fletcher, of Pulaski, presented the petition of Henry Alsbach and others, citizens of Pulaski county, praying for a division of said county, and the establishment of a new county, to be called Prairie county.

Mr. Bertrand moved that said petition be referred to a select committee of five; which motion was sustained.

And thereupon, Mr. Speaker appointed Messrs. Bertrand, Fletcher, of Pulaski, Crutchfield, Croft and Lindsay, on said committee.

Reports from standing committees were in order.

Reports from select committees were in order.

Mr. Brown, from the joint committee appointed to draft and report joint rules and regulations for the government of both houses of the General Assembly, made the following report:

Mr. Speaker—The joint committee raised by the House to join such committee as might be raised by the Senate for the purpose of reporting joint rules and regulations for the government of both Houses of the General Assembly, beg leave to report that they have performed that duty—that by agreement of the joint committee, the chairman of said committee on the part of the Senate, will report joint rules to that body this day, recommending that 250 copies thereof be printed for the use of the present General Assembly.

R. C. BROWN, *Chairman.*

Mr. Brown moved that this report lay on the table, until the report of the committee of the Senate be communicated to this House; which was agreed to.

Mr. Forrest made the following report:

The committee to whom was referred the petitition of Baylis Shewmate and Mary his wife, have instructed me to report a bill to be entitled "an act to change the name of Mildred Ciphers, to the name of Mildred Shewmate, and to constitute her a lawful heir to the estate of Baylis Shewmate and Mary, his wife,

Which was read a first time and passed to a second reading.

Motions and resolutions were in order.

Mr. Gould, according to previous notice, introduced a bill to be entitled an act to amend the 85th chapter of the Revised Statutes.

Which was read a first time and passed to a second reading.

Mr. Fletcher, of Pulaski, gave notice that on Wednesday next, he would ask leave to introduce a bill to be entitled an act to amend the

51st and 52d sections of the 130th chapter of the Revised Statutes, under the head of roads and highways.

Mr. Billingsly offered the following:

Resolved, That this House meet at 9 o'clock on Monday next; which was adopted.

Mr. Hill, of Hempstead, gave notice that on Thursday next, or as soon thereafter as practicable, he would ask leave to introduce a memorial to Congress on the subject of an appropriation to complete the removal of the Red river raft.

Mr. Featherston, introduced the following:

Resolved, That the committee on internal improvement, be instructed to inqure into the expediency and utility of constructing a State road, commencing at the nearest and most convenient point on the boundary line between the State of Missouri and Arkansas, via Bentonville, Benton county, Fayetteville, Washington county, Van Buren, Crawford county, Waldron, Scott county, Dallas, Polk couty, Paraclifta, Sevier county, and thence to the most convenient point on Red river; the cost of said road to be defrayed out of the internal improvement fund; and that said committee be instructed to report by bill or otherwise:

Which was lost.

Mr. Forrest gave notice that on the 17th inst., he would ask leave to introduce a bill to regulate the duties of attorneys of banks, and for other purposes.

Mr. Wiley gave notice that Thursday next he would ask leave to introduce a bill to amend the 2d section of the 8th chapter of the Revised Statutes, under the head of apprentices.

Mr. Fletcher, of Mississippi, gave notice that on Monday next, he would ask leave to introduce a bill for the relief of such persons as were deprived of the benefit of the 9th section of the act, approved the 20th of December, 1844, for the sale of the donation lands, by reason of the absence of the plats of surveys from the proper land offices.

Mr. Williams, of Sevier, gave notice that on Tuesday next, he would ask leave to introduce a bill to repeal the 103d section of the 110th chapter of the Revised Statutes, under the head of "paupers," and for other purposes.

Mr. Collins introduced the following:

Resolved, That this House have —— copies of the abstract of the last census printed, for the use of this House.

Mr. Croft moved to fill up the blank by inserting 300, which was agreed to and the resolution adopted.

On motion of Mr. Forrest, the resolution relative to the proposed amendments to the constitution, were taken up, read a first time and passed to a second reading.

On motion of Mr. Crutchfield, the resolution was referred to the committee on the judiciary.

The resolution of the Senate relative to the appointment of a joint committee on the Auditor and Treasurer's books, was taken up and read.

On motion of Mr. Brown, said resolution was for the present, laid on the table.

The bill entitled "an act supplementary to the 38th chapter of the revised statutes, of Arkansas, under the head of county revenue," was taken up and read a second time.

The Speaker announced that said bill was now ready for amendment, commitment, or engrossment.

On motion of Mr. Crutchfield, said bill was referred to the committee on ways and means.

The bill entitled "an act to change the name of James F. Reaves, of Bradley county, to that of Dr. Ridgeley Reaves," was taken up and read a second time.

The Speaker announced that said bill was now ready for amendment, commitment, or engrossment.

On motion of Mr. Gould, said bill was ordered to be engrossed, and passed to a third reading.

A bill entitled "an act to regulate the collection of poll-tax," was taken up and read a second time.

On motion of Mr. Wells, said bill was referred to a select committee consisting of Messrs. Wells, Alston, and Hughes.

Mr. Mitchell's resolution, fixing the time of election for judges and State Attorneys, to Tuesday next, was taken up and read.

Mr. Croft offered the following substitute:

Resolved, That the two Houses of the General Assembly go into the election of judge of the first judicial circuit, and of prosecuting attorney for the same, on Tuesday the 10th day of November, at 10 o'clock, a. m.

Mr. Crutchfield moved that the original resolution and the substitute lay on the table, which motion was sustained.

The orders of the day having been disposed of, Mr. Speaker announced that motions and resolutions were in order.

Mr. Jett gave notice that on Tuesday next, he would ask leave to introduce a bill, to be entitled, "an act to regulate the redemption of county scrip."

Mr. Jeffrey offered the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested, to use their influence with the Postmaster General of the United States, to grant a route, and have a mail carried from the county seat of Izard county, to the county seat of Lawrence county, a distance of fifty miles or more, thickly inhabited, and without the benefit of a mail or post-office, which was adopted.

Mr. Bell, in pursuance to previous notice, with leave introduced a bill, entitled "an act to authorize the administratrix of the estate of Robert S. Gibson, deceased, to liquidate all debts against the deceased; to transfer all evidences of debt in favor of the estate, to the creditors thereof, and to sell and convey all personal property, lands, tenements, hereditaments, and all and every interest therein, to any creditor of said estate, in discharge of the debts of said estate, or to any other person,"

Which was read a first time and no objection being made, passed to a second reading.

Mr. Gould moved a reconsideration of the resolution of Mr. *F*eatherston, in relation to establishing a State road from the Missouri line, through Bentonville, *F*ayetteville, Van Buren, &c., to some point on Red river.

Which motion was agreed to, and the resolution adopted.

Mr. Brown, pursuant to notice, with leave introduced a bill, entitled "an act to amend the criminal laws of this State," which was read a first time and passed to a second reading.

Mr. Brickey introduced the following:

Resolved, That a select committee of three be appointed to inquire into the expediency of amending the law in relation to estrays, and report to this House by bill or otherwise,

Which was adopted, and Messrs. Brickey, Clements, and Cromwell, appointed said committee.

Mr. Clarke, pursuant to previous notice, introduced a bill, entitled "an act to call in the scrip of Crawford county," which was read a first time and passed to a second reading.

The resolution of yesterday instructing our Senators and Representative in Congress, to use their influence with the Postmaster General, to have a mail carried once a week, from Antoine, Clark county, to some point on Red river,

Was taken up and read, and on motion of Mr. Kelly, was adopted.

Mr. Anthony introduced the following:

Resolved, That the papers and evidence connected with the contested election between Messrs. Luster and Croft, be now taken up and referred to the committee on elections,

Which was adopted.

The resolution of Mr. Anthony, fixing the time of going into the election of prosecuting attorneys for this State, was taken up and read.

Mr. Dunn introduced the following:

Resolved, That the two Houses of this General Assembly, on Tuesday next, at 11 o'clock, a. m., proceed to the election of one supreme judge, to fill the vacancy occasioned by the resignation of the Hon. T. J. Lacy, and also one circuit judge for the first, fifth, and seventh judicial circuits of this State; also, one prosecuting attorney for each of the said judicial circuits, and that the Senate be requested to concur herein.

Mr. Crutchfield moved that the original together with the substitute, be laid on the table, which motion was sustained.

Mr. Burke moved that leave of absence be granted to Mr. Turner, for this day, which was granted.

Mr. Cromwell introduced the following preamble and resolutions:

Whereas, there is now in successful operation a tri-weekly mail route, from the mouth of *White* river to Rock Roe, by steam-boat: and whereas, also, it is believed that the interests of a great portion of the citizens of Arkansas, would be greatly benefitted by the extension of said route, to Berkeley, on Black river, by the same mode of conveyance, therefore;

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed and our Representative requested to use their influence to procure the extension of said route, from the mouth of *White* river, by way of Rock Roe, to Berkeley, on Black river, by steam-boat, three times a week.

Be it further resolved, That our Senators in Congress be instructed and our representative requested to use their exertions to procure the establishment of a mail route, from Searcy, in *White* county, by way of the Chickasaw crossings, in Jackson county, to Oakland Post Office, in St. *Francis* county, and from thence to Helena, *Phillips* county, in the State of Arkansas, twice a week, by horse conveyance, which resolutions were adopted.

Mr. Clarke gave notice that on *Wednesday* next, he would ask leave to introduce a bill to be entitled "an act to provide for sinking a salt well, on the salt lands, in Crawford county."

Mr. Marshall introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested, to use their influence to procure an appropriation for the improvement of Black and *White* rivers.

On motion of Mr. Marshall, seconded by Mr. Noland, the resolution was adopted.

Mr. Hill, of Hempstead, introduced the following:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of branching the supreme court of this State, in such manner as to require two terms annually, to be held at the following places, to wit:

Helena, in the county of *Phillips*; Batesville, in the county of Independence; Van Buren, in the county of Crawford; and *Washington*, in the county of Hempstead; in addition to those now required by law, to be held at the Seat of Government in the county of *Pulaski*, which was lost.

Mr. Billingsley moved that Mr. Sharpe be added to the committee on the Penitentiary, which was done.

On motion of Mr. Brown, *Mr*. Bertrand was added to the committee on ways and means.

Mr. Crutchfield was also added to the committee on ways and means.

Messrs. Marshall, Sadler, Matlock, and Bruton, were added to the standing committee on counties and county lines.

Mr. Fletcher, of Mississippi, was added to the committee on internal improvement.

Mr. Noland was added to the committee on ways and means.

Mr. Halcomb was added to the committee on counties and county lines.

Mr. Hughes, of Saline, gave notice that on Tuesday next, he would ask leave to introduce a bill, to be entitled "an act to repeal the 3d section of the 109th chapter of the revised statutes:" also, a bill to amend the 110th chapter of the revised statutes.

The following communication was received from his Excellency, Thomas S. Drew, by John R. Hampton, Esq:

EXECUTIVE OFFICE,
Little Rock, Nov. 7th, 1846.

To the Hon. Speaker
of the House of Representatives of the State of Arkansas:

The novel position in which the executive is placed, in relation to a question involving the rights of the people of this State in the Congress of the United States, I hope will be sufficient apology upon my part, for calling on your honorable body for an expression of opinion advisatory, in the absence of law and precedent, (as far as I know,) in the case to which I have allusion.

The Hon. Archibald Yell having been elected Col. of Cavalry, to command the regiment raised by me under the requisition of the war department, and being mustered into the service of the United States, and ordered to the frontiers of Texas, without having given me notice of the resignation of his seat in the lower House of Congress; and from the last reports to be relied upon, this officer was marching towards or near the frontier of Mexico, and in all probability is now beyond the limits of the United States; and it may reasonably be supposed that unless steps are taken to cause an election to supply his place, the State of Arkansas may not be represented in the lower branch of Congress for and during the present session, which will commence on the first Monday in December next.

In the absence of any provision under the constitution or of that of the laws of this State, to guide me in the performance of an important duty, under a contingency not contemplated by either, nor for which do I know of any precedent; I most respectfully ask an expression of opinion of the Assembly, by joint resolution.

THO'S S. DREW.

On motion of Mr. Brown, said communication was laid on the table until Monday next.

On motion of Mr. Croft, the House adjourned until to-morrow morning, at 9 o'clock.

MONDAY, *November* 9*th*, *A. D.*, 1846.

The House met pursuant to adjournment.

The journal of Saturday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Patrick presented the petition of Jesse McLaughlin and divers other citizens of Jackson and St. Francis counties, praying the establishment of a new county,

Which was referred to the standing committee on counties and county lines.

Mr. Bennett presented the petition of John Roddy and one hundred and twenty others, citizens of Jackson, St. Francis, White, and Poinsett counties, praying the establishment of a new county,

Which was referred, on motion of Mr. Cromwell, to the commitee on counties and county lines.

Reports from standing committees were in order.

Reports from select committees were in order.

Mr. Clarke from the select committee to whom was referred the petition of sundry citizens of Washington county, praying for a change of the line between the counties of Washington and Crawford, reported a bill, entitled "an act the better to define the line between the counties of Washington and Crawford," which was read a first time, and no objection being made, passed to a second reading.

Mr. Kearby from the select committee to whom was referred the petition of sundry citizens of Arkadelphia, praying for the incorporation of said town, reported a bill, entitled "an act to incorporate the town of Arkadelphia,"

Which was read a first time and passed to a second reading.

Mr. Bertrand from the select committee to whom was referred the resolution inquiring into the fact of the resignation of Peter T. Crutchfield, as receiver of public moneys at the land-office of the U. States, at Little Rock, reported "that the honorable member resigned said office on the 16th day of September, to take effect on the 1st day of November," as shown by the annexed letters and certificate, which are submitted as a part of this report.

Little Rock, Arkansas,
September 16*th*, 1846.

SIR:—I have the honor of transmitting to you herewith, a copy of a letter addressed by me to the President of the United States.

I am sir, very respectfully,
Your obedient servant,
P. T. CRUTCHFIELD.

Commissioner of the
Public Land-office.

[COPY.]

Little Rock, Arkansas,
September 16th, 1846.

To His Excellency,
JAMES K. POLK, *President of the U. S.*

SIR:—In the midst of a canvass for a seat in the Legislature of this State, your Excellency was pleased to confer on me the office of Receiver of public moneys, at this place.

My friends, however, insisted on my continuing the canvass, which I did, with a promise on my part, to the people, that if I were elected, I would resign my present office before the second day of November next, when the Legislature would have to convene.

Having been triumphantly elected, I therefore tender to your Excellency my resignation of the above-named office, to take effect on the first day of November next.

Permit me on this occasion to congratulate your Excellency on your successful administration of the affairs of this "great nation," and to offer you my best wishes for your good health and prosperity.

P. T. CRUTCHFIELD.

The within is a true copy of a letter from Peter T. Crutchfield, to the Commissioner of the Public Land-office, deposited for him, by me, in the Post-office, at Little Rock, this 16th October, 1846.

J. W. TAPPE.

Which report was accepted.

Mr. Wells, chairman to the select committee to whom was referred a bill, entitled "an act to regulate the collection of poll-tax," reported the same without amendment, which was read a third time and laid on the table.

Mr. Brickey, from the select committee to whom was referred the petition of Henry F. Bone, administrator &c., reported a bill, entitled "an act to authorize Henry F. Bone, as administrator of James Bone, dec'd, to sell certain slaves and real estate," which was read a first time, and passed to a second reading.

Motions and resolutions were in order.

Mr. Noland gave notice that on some day after to-morrow, he would ask ~~leave to~~ introduce a bill proposing amendments to the constitution, so as to give the voters of the several judicial circuits, the right of electing their prosecuting attorneys: also, the voters in each and every county, the right of electing their county and probate judges;

A bill to confirm sales made of the 16th section, in township 13 north, and range 7 west; and a bill authorizing the issuing of Treasury warrants, in the sum of ten dollars.

Mr. Stout introduced the following:

Resolved, That the standing committee on apportionment, be specially instructed to inquire into the expediency of reducing the present number of Senators and Representatives in the General Assembly,

Which was adopted.

Mr. Noland introduced a joint resolution, fixing the adjournment of the General Assembly to the 7th day of December next, which was laid on the table until to-morrow.

Mr. Woodward gave notice that on Wednesday next, he would ask leave to introduce a bill to repeal the 28th section of the 12th chapter of the revised statutes, in relation to attachments.

Mr. Abraham gave notice that on Wednesday next, he would ask leave to introduce a bill, entitled "an act to define the boundary line between the counties of Lafayette and Union."

Mr. Brickey introduced the following:

Resolved, That the committee on banks be instructed to inquire into the expediency of dispensing with the financial receivers of the State bank and its branches, which was adopted.

Mr. Wells introduced the following:

Resolved, by the General Assembly, That our Senators in Congress be instructed and our Representative requested, to use their best influence with the Postmaster General of the United States, to establish a weekly mail route from Salem, Fulton county, Arkansas, by Benjamin Hawkins' on Bennett's bayou; thence to Rockbridge, Ozark county, a distance of sixty-five miles through several strong settlements,

Which was adopted.

Mr. Featherston introduced the following:

Resolved, by the General Assembly, That our Senators in Congress be instructed and our representative requested, to use their influence to procure the passage of a law to graduate the price of the public lands,

Which was laid on the table until to-morrow.

Mr. Anthony gave notice that on some future day he should propose some additional amendment to the constitution, so as to provide for the creation of a public administrator in each county, in this State.

Mr. Noland introduced the following:

Resolved, That the principal clerk of this House be authorized to procure a page for the use of the House, whose compensation shall not exceed three dollars per week,

Which was adopted.

Mr. Brickey introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested to use their influence in establishing a mail route once a week, commencing at Batesville, Independence county, thence by way of John Martin's and Poke Bayou, and thence by George Long's on Strawberry river, to Salem, Fulton county.

Which was laid upon the table until to-morrow.

Mr. Grimes introduced the following:

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of opening a State road leading from the City of Little Rock in the direction of Jefferson City, to the northern boundary line of the State of Arkansas, to be paid for out of the internal improvement fund, and report by bill or otherwise.

Mr. Robinson gave notice that on Thursday next he would ask leave to introduce a bill to revive the 39th, 41st, 42d and 45th sections of the 60th chapter of the Revised Statutes, under the head of Executions; also, to repeal in part the 1st and 2d sections of the 106th chapter of the Revised Statutes, under the head of 'Practice at Law,' and for other purposes, the object of which is to change the manner of commencing suits in the circuit courts of this State.

Mr. Crutchfield introduced the following:

Resolved, That the Auditor be, and he is hereby required to report to this House, without delay, the amount of assessment made on each hundred dollars worth of property for county revenue, by each county court in the State, for the last two fiscal years: and that he state the aggregate amount of taxes, received for county revenue in this State.

Which was adopted.

Mr. Murphy, according to previous notice, introduced a bill entitled "an act to change the time of holding the circuit courts within the 4th judicial circuit of this State," which was read a first time, and passed to a second reading.

Mr. Marshall made the following report:

Mr. Speaker—The committee on elections to whom was referred the papers contesting the election of Mr. Croft have had the same under consideration, and have instructed me to report, that from an examination of the papers, they are clearly of opinion that Mr. G. B. Croft, was duly elected a representative from the county of Green. Therefore,

Resolved, That G. B. Croft be, and he is hereby entitled to a seat in this House, as Representative from said county of Green;

Which resolution was adopted.

On motion of Mr. Billingsly the orders of the day were taken up.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to declare the Porteau river, and all its navigable slews, a navigable stream," to which the assent of your honorable body is asked.

Said bill from the Senate was taken up, and read a first time.

A bill entitled "an act to amend the 85th chapter of the Revised Statutes," was read a second time, and on motion of Mr. Bertrand, was referred to the committee on the judiciary.

A bill entitled "an act to authorize the administratrix of Robert S. Gibson deceased, to liquidate all debts against the deceased, to transfer all evidences of debt in favor of said estate to the creditors thereof, and to sell and convey all personal property, lands, tenements, and hereditaments, and all and every interest therein to any creditor of said estate, in discharge of any debt against said deceased, or to any other person," was read a second time, and on motion of Mr. Bell, was referred to the committee on the judiciary.

A bill entitled "an act to amend the criminal law of this State," was read a second time, and on motion of Mr. Brown, was referred to the committee on the judiciary.

The bill entitled "an act to call in the scrip of Crawford county," was read a second time, and on motion of Mr. Clarke, ordered to be engrossed, and read a third time to-morrow.

Message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted by the constitutional majority, the accompanying resolutions adopted at the last session, to amend the Constitution of the State of Arkansas, and respectfully ask the assent of the House of Representatives.

Resolved by the General Assembly of the State of Arkansas, That they do propose the following amendments to the Constitution of this State, to-wit;

1st. No Bank or Banking institution shall hereafter be incorporated or established in this State.

2nd. The General Assembly shall have power to compel the judges of the circuit courts to inter-change circuits, either temporarily, or permanently, under such regulations as shall be provided by law.

3rd. The General Assembly shall have power to confer such jurisdiction as it may from time to time deem proper, on justices of the peace, in all matters of contract, covenant, and in all actions for the recovery of fines and forfeitures when the amount claimed does not exceed one hundred dollars, and in actions and prosecutions for assaults and battery, and other penal offences less than felony, which may be punishable by fine only.

4th. Judges of the supreme and circuit courts, clerks of the supreme and circuit courts, attorneys for the State, sheriffs, coroners, county treasurers, justices of the peace, constables, and all other officers whose term is fixed to a specified number of years, shall hold their respective offices for the term now specified, and until their successors are elected and qualified.

JOHN S. ROANE, *Speaker of the House of Representatives.*
JOHN WILLIAMSON, *President of the Senate.*

Approved, January 9th, 1845.

THOS. S. DREW.

The bill entitled "an act to change the name of Mildred Ciphers to the name of Mildred Shewmate, and to constitute her a lawful heir to the estate of Balis Shewmate and Mary Shewmate his wife," was read a first time.

A bill, entitled "an act to regulate the collection of poll tax," was read a third time.

Mr. Hughes moved to amend said bill by striking out the words "forty-five years," and inserting the words "fifty years" in lieu thereof:

Which was lost.

Mr. Bertrand moved the following amendment, viz: insert after the word 'tax' in the fourth line, the words 'for county purposes;'

Which was adopted.

On motion of Mr. Collins, the House took a recess until 12 o'clock, M., to prepare for the reception of the Senate in order to go into the election of United States Snator.

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12 o'clock, M.

The Senate appeared within the bar of the Representative Hall, and were seated.

The Speaker announced that the time had arrived, fixed upon by joint resolution, for going into the election of United States Senator, and that nominations were in order.

Mr. McCamy of the Senate, nominated the Honorable Chester Ashley.

Mr. Evans of the Senate, nominated the Honorable William K. Sebastian.

Mr. Billingsly of the House, nominated the Honorable Archibald Yell.

Mr. Bertrand of the House, nominated Colonel Charles F. M. Noland.

There being no further nominations made, the roll was called.

The members of the House voting for Mr. Ashley, are Messrs. Abraham, Alston, Annis, Anthony, Bell, Bennett, Brickey, Bruton, Burke, Clarke, Clements, Croft, Cromwell, Crutchhfield, Embree, Featherston, Garner, Gentry, Gould, Griffin, Grimes, Hill, Hughes, Jett, Kearby, Kendall, Lindsay, Mitchell, Murphy, Niell, Newton, Patrick, Patterson, Pettigrew, Sadler, Stout, Tully, Whittington, Wiley, Williams, Woods, Woodward and Mr. Speaker—43.

Those members of the House voting for Mr. Sebastian, are Messs. Brown, Childers, Halcomb, Jeffrey, Marshall, Robinson, Stotts and Wells—8.

Those members of the House voting for Mr. Yell, are Messrs. Billingsley, Buchanan, Dennis, Dunn, Farmer, Fletcher of Mississippi, Forest, Hammock, Kelley, Leslie, Matlock, Ramsey, Sharp, Thompson, Turner and Wright—16.

Those members of the House voting for Mr. Noland, are Messrs. Bertrand, Collins and Fletcher of Pulaski.

Mr. Noland of the House, voted for Col. Absalom Fowler.

The number of member, of the House voting for Mr. Ashley, is	43.	Joint vote 57.
In the Senate,	14.	

The number of members of the House voting for Mr. Sebastian, is 8.
In the Senate, 4.
Joint vote 12.

The number of members of the House voting for Mr. Yell, is 16.
In the Senate, 3.
Joint vote 19.

The number of members of the House voting for Mr. Noland, is 3.

Mr. Noland received no vote in the Senate.

The number of members of the House voting for Mr. Fowler, is 1.

Mr. Fowler received no vote in the Senate.

Whereupon, Mr. Speaker proclaimed that Chester Ashley had received a majority of the votes of both Houses, and was duly elected Senator in the Congress of the United States for six years, commencing on the 4th day of March, A. D. 1847.

The Senate now withdrew.

On motion of Mr. Clarke, the House adjourned until to-morrow morning at 9 o'clock.

Tuesday Morning, 9 o'clock,
November 10th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Reports from counties were announced to be in order.

Mr. Speaker presented the petition of Joseph McKissick, and divers other citizens of Benton county, setting forth that William Thompson, a member elect of this House from the county of Benton, is not a resident of said county, but of Washington county, and praying that he be not allowed to retain his seat in the House.

Mr. Crutchfield moved that said petition be referred to the committee on the judiciary.

Which was agreed to.

Mr. Speaker presented the petition of Benjamin and Nancy Robinson, praying that said Nancy be authorized and empowered to hold property as a 'feme sole,' without the same being liable for the debts of her husband, said Benjamin P. Robinson.

On motion of Mr. Brown, said petition was referred to the committee on the judiciary, with instructions to report by bill or otherwise.

Mr. Murphy presented the memorial of Hugh A. Anderson, president of the board of trustees for Far West Seminary, also the petition of A. W. Swiney, and divers other students of said Far West Seminary, asking that the 72d sections of land for the establishment of an institution of learning, be appropriated (or a part thereof) for the endowment of said Seminary.

Mr. Forrest moved that the said memorial be referred to the standing committee on education.

Which was agreed to.

On motion of Mr. Stout, Mr. Murphy was added to the committee on education.

Reports from standing committees were now in order.

Motions and resolutions were in order.

Mr. Hughes, according to previous notice, introduced a bill entitled "an act to repeal the 3d section of the 109th chapter of the Revised Statutes," which was read a first time.

Mr. Croft introduced the following joint resolution:

Resolved, That our Senators in Congress be instructed, and our Representative requested to use their influence to have a weekly mail route established from Elizabeth, in Jackson county, *via* Walcott to Gainesville, in Green county, State of Arkansas, and that the Senate be respectfully asked to concur herein.

Which was read a first time.

Mr. Croft introduced the following resolution:

Resolved, That the special message of the Governor in relation to the vacancy in our representation in Congress, be referred to a select committee of five, with instructions to report by resolution or otherwise, on to-morrow; which was read and laid upon the table.

Mr. Murphy introduced the following:

Resolved, That the committee on the judiciary be instructed to enquire into the expediency of changing the mode of voting, from *viva voce*, to voting by ballot, and report by bill or otherwise.

Which was lost.

Mr. Annis introduced the following:

Resolved, That a committee of three be appointed, whose duty it shall be to enquire into the expediency and propriety of abridging and simplifying the administration law.

Which was adopted.

Messrs Annis, Gould and Patrick were appointed said committee.

Mr. Dennis gave notice that on some future day he would ask leave to introduce a bill for the relief of Pleasant M. Johnson, late sheriff of Madison county, Arkansas.

Mr. Hill gave notice that on to-morrow, or some convenient day thereafter, he would ask leave to introduce a bill to exempt millers from serving as jurors.

Mr. Griffin gave notice that on to-morrow he would ask leave to introduce a bill to repeal the 80th section of the 4th chapter of the Revised Statutes.

Mr. Woodward introduced the following:

Resolved, That the standing committee of the judiciary be instructed to enquire into the expediency of changing the action on forfeited delivery bonds, and report to this House by bill or otherwise.

Which was adopted.

Mr. Bruton introduced the following:

Resolved, that our Senators in Congress be instructed, and our Representative requested to use their influence that a weekly mail route may be established, commencing at Clinton, Van Buren county, Arkansas, running by way of Glass's village settlement, Conway county, thence by the middle settlement on Gumlog, thence by way of Dover, thence to Old Dwight, a distance of about sixty miles, through settlements densely populated.

Which was adopted.

Mr. Collins introduced the following:

Resolved, That the portion of the Governor's message which relates to the appointment of a State geologist, be referred to the committee on internal improvement.

Which was adopted.

Mr. Croft introduced the following:

Resolved, That the House proceed to the election of judge and prosecuting attorney for the 1st judicial circuit, on Thursday, the 12th day of November, 1846; and that the Senate be respectfully requested to concur herein.

Which was laid upon the table.

Mr. Gould gave notice that on to-morrow he would ask leave to introduce a bill to establish the county of Drew.

Mr. Bell gave notice that on to-morrow he would ask leave to introduce a resolution to change the Constitution so as to permit Crawford county to form two counties out of her present territory.

Mr. Crutchfield gave notice that on to-morrow, or some other day, he would ask leave to introduce a bill for the relief of Wm. M. H. Newton, late sheriff of Johnson county, Arkansas.

Mr. Croft gave notice that on to-morrow, or some other day, he would ask leave to introduce a bill to amend the Constitution by striking out the 24th section of the 4th article thereof.

Mr. Whittington introdnced the following:

Resolved, That the committee on counties and county lines be instructed to enquire into the expediency of more particularly defining the boundary line between the counties of Montgomery and Polk, and report by bill or otherwise.

Which was adopted.

Mr. Cromwell introduced a bill entitled an act for the relief of purchasers under the 500,000 acre donation.

Which was read a first time.

Mr. Jett introduced a bill entitled an act to regulate the redemption of county scrip.

Which was read a first time.

On motion of Mr. Bell, Mr. Collins was added to the committee on internal improvement.

On motion of Mr. Featherston, Mr. Kearby was added to the standing committee on internal improvements.

Mr. Kearby introduced the following:

Resolved, That the standing committee on the militia, be instructed to enquire into the propriety of devising a mode for the collection of fines under the military law, and report to this House by bill or otherwise.

Which was adopted.

Mr. Collins gave notice that on to-morrow he would ask leave to introduce a bill to incorporate the most worshipful grand lodge of ancient York Masons of the State of Arkansas.

On motion of Mr. Clarke, Mr. Murphy was addded to the committee on apportionment.

Mr. Annis introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested to use their influence with the Congress of the United States to change or modify the compact entered into between the United States and the State of Arkansas, with regard to the donation of the 500,000 acres of land, so that the Legislature of Arkansas can use the same for common school purposes.

Which was lost.

On motion of Mr. Croft the orders of the day were taken up.

The communication from his Excellency the Governor, asking the advice of the General Assembly touching the vacancy occasioned in the lower House of Congress, by the absence of the Hon. Archibald Yell, Representative from this State, was taken up and read.

Mr. Murphy moved that said communication be referred to a committee of the whole House.

On motion of Mr. Crutchfield, said motion was laid upon the table.

On motion of Mr. Croft, said communication was referred to a select committee, consisting of

Messrs. Croft, Clarke and Murphy.

A bill entitled an act the better to define the boundary between the counties of Washington and Crawford, was taken up, and read a second time, and ordered to be engrossed.

A bill entitled an act to incorporate the town of Arkadelphia, was taken up, read a second time, and ordered to be engrossed and to be read a third time to-morrow.

A bill entitled an act to authorize Henry F. Bone, as administrator of James Bone, deceased, to sell certain slaves and real property, was taken up, read a second time, and ordered to be engrossed.

The joint resolution fixing upon the 7th day of December for the adjournment *sine die* of the General Assembly of the State of Arkansas, was taken up and read.

Mr. Crutchfield moved to lay the resolution on the table.

Mr. Noland called for the yeas and nays.

A call was ordered, and the roll called.

Those members voting in the affirmative, are

Messrs. Annis, Anthony, Bennett, Billingsly, Brown, Bruton, Buchanan, Clarke, Crutchfield, Dunn, Farmer, Featherston, Fletcher of Pulaski, Gentry, Griffiin, Hughes, Kirby, King, Lindsey, Murphy, Ramsey, Stout, Thompson and Tully—24.

Those members voting in the negative, are

Messrs. Abraham, Allston, Bell, Brickey, Burke, Childers, Clements, Collins, Croft, Cromwell, Dennis, Embree, Fletcher of Miss., Forrest, Garner, Gould, Grimes, Hammock, Hill, Halcomb, Jeffry, Jett, Kelly, Kendall, Leslie, Marshall, Matlock, Mitchell, Niell, Newton, Noland, Patrick, Patterson, Pettigrew, Robinson, Sadler, Sharpe, Stotts, Turner, Wells, Whittington, Wiley, Williams, Woods, Woodward, Wright, and Mr. Speaker—47.

So the motion to lay on the table was lost.

Mr. Noland then moved the adoption of the resolution; which motion was sustained.

The joint resolution introduced by Mr. Brickey, instructing our delegation in Congress to use their influence to procure the establishment of a mail route to run once a-week, commencing at Batesville, Independence county, thence by the way of John Martin's, on Poke Bayou, thence by George Long's, on Strawberry river, thence to Salem, in Fulton county, was taken up, read and adopted.

The resolution of Mr. Featherston, instructing our delegation in Congress to use their influence to procure the passage of a law to graduate the price of public lands, was taken up and read.

Mr. Farmer introduced the following substitute:

Resolved, That our Senators in Congress be instructed, and our Representative requested to use their influence with the Congress of the United States to procure the passage of a law to graduate the price of the public lands, so that all lands that have been offered for sale at public auction, and have been in market for five years, shall be sold for *one dollar* per acre: and that all lands that have been in market in like manner for the term of ten years, shall be sold for *seventy-five cents* per acre: and that all lands that have been in market in like manner for the term of fifteen years, shall be sold for *fifty cents* per acre: and that all lands that have been in like manner in market for the term of twenty years, shall be sold for *twenty-five cents* per acre: and at the end of twenty-five years all lands that have been in like manner in market and remain unsold, shall be ceded unconditionally to the several States respectively; and that the Senate be requested to concur herein.

Which substitute was adopted in lieu of the original resolution.

A bill entitled an act to change the time of holding the circuit courts in the 4th judicial circuit, was taken up and read a second time.

On motion of Mr. Clarke, said bill was referred to the committee on the judiciary.

A bill entitled "an act to change the name of Mildred Ciphers, to that of Mildred Shewmate, and to constitute her a lawful heir of the estate of Balis Shewmate, and Nancy Shewmate his wife," was taken up, read a second time and ordered to be engrossed.

A bill entitled "an act to call in the scrip of Crawford county," was taken up, read a third time and passed.

A bill from the Senate, entitled "an act to declare the Porteau river and all its navigable slues, a navigable stream," was taken up, read a second time and ordered to be engrossed.

On motion of Mr. Croft, leave of absence was granted Mr. Bertrand for the balance of the day.

The joint resolution from the Senate, in relation to the amendments to the Constitution, proposed at the last session of the General Assembly of this State, was taken up, and read a first time.

A bill entitled "an act for the collection of poll tax," was taken up, read a second time, and on motion of Mr. Brown, re-committed to a select committee, consisting of Messrs. Brown, Woods and Wells.

A bill entitled "an act to change the name of James F. Reaves to that of Doctor Ridgeley Reaves," was taken up, read a third time and passed.

Motions and resolutions were now in order.

Mr. Fletcher of Mississippi, in accordance with previous notice, introduced a bill entitled "an act to amend an act to regulate the price and sale of the 500,000 acres of land, donated &c., approved December the 20th, 1844.

Which was read a first time.

Mr. Croft moved that the House adjourn, which was lost.

On motion of Mr. Bruton, Mr. Grimes was added to the committee on counties and county lines.

Messrs. Forrest and Brickey were added to the committee on apportionment.

Mr. Stotts gave notice that on some day after to-morrow, he would ask leave to introduce a bill to change the county line between the counties of Poinsett and St. Francis.

On motion of Mr. Collins the House adjourned.

WEDNESDAY MORNING, 9 o'clock,
November the 11th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

The Speaker announced that petitions from counties were now in order.

Reports from standing committees were now in order.

Mr. Fletcher of Mississippi, from the committee of ways and means to whom was referred the bill entitled "an act supplementary to the 35th chapter of the Revised Statutes, under the head of county revenue," reported the same back to the House without amendment.

Reports from select committees were next in order.

Mr. Croft, from the select committee to whom was referred the communication of the Governor, communicating information to the House, in regard to the Representative from Arkansas, Hon. Archbald Yell, made their report, accompanied by the following resolution:

Resolved, That in the opinion of this House, the office of Representative in Congress from this State, is vacant, and that it is the duty of the Governor to order an election to fill said vacancy according to law.

Mr. Crutchfield offered a substitute for said resolution, which was read.

Mr. Noland moved that the original and substitute be laid on the table.

Mr. Gould called for a division of the question, which was agreed to by Mr. Noland.

The question then arose "shall the substitute be laid on the table?"

Mr. Bruton called for the yeas and nays.

Those voting in the affirmative, are Messrs. Abraham, Alston, Annis, Anthony, Bell, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kelly, Kendall, King, Kuykendall, Leslie, Lindsay, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Dunn, Wells, Whittington, Willey, Williams, Woods, Woodward, Wright and Mr. Speaker—71.

Those voting in the negative, are Messrs. Crutchfield and Kearby—2.

So the substitute was laid on the table.

Then the question arose of laying the original report and resolution on the table.

On motion of Marshall, the ayes and nays were taken.

Those voting in the affirmative, are Messrs. Abraham, Anthony, Bennett, Billingsly, Brickey, Bertrand, Brown, Buchanan, Collins, Cromwell, Crutchfield, Dennis, Dunn, Farmer, Fletcher of Pulaski, Garner, Grimes, Hill, Hughes, Jeffrey, Kearby, Kelly, King, Neill, Newton, Noland, Pettigrew, Tully, Whittington, Wiley, Williams, Woods, Woodward and Wright—34.

Those voting in the negative, were Messrs. Alston, Anniss, Bell, Bruton, Burke, Childers, Clarke, Clements, Croft, Embree, Featherston, Fletcher of Mississippi, Forrest, Gentry, Gould, Griffin, Hammock, Halcomb, Jett, Kendall, Kuykendall, Lindsay, Leslie, Marshall, Matlock, Mitchell, Murphy, Patrick, Patterson, Ramsay, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Turner, Wells, and Mr. Speaker—39.

So the motion was lost.

Mr. Croft then moved the adoption of the original resolution, which was sustained.

The following message was received from the Senate, by J. M. Ross Esq. secretary.

"*Mr. Speaker*—I am instructed to inform your honorable body, that the Senate have passed a bill, entitled "an act to change the names of Alexander Lanphimier, and Samuel Lanphimier," to which the assent of the House is respectfully asked."

Mr. Wells, from the select committee to whom was referred the bill entitled "an act to regulate the collection of poll tax," reported a substitute, entitled as above.

Mr. Woodward, from the select committee to whom was referred the petition of sundry citizens of Union county, relative to defining the road from Champanogle in said county, to the Louisiana line in the direction of Minden, reported a bill entitled "an act to define and establish the road from Champagnole, in Union county Arkansas, to the Louisiana line, in the direction of Minden, La., *via* El Dorado, and the residence of Thomas Peters, in Union county Arkansas."

Which was read a first time.

Mr. Brickey, from the select committee to whom was referred the resolution enquiring into the expediency of amending the law in relation to estrays, reported a bill entitled "an act to amend the 15th chapter of the Revised Statutes, under the head of estrays."

Mr. Murphy, from the select committee to whom was referred the petition of the Hon. Williamson S. Oldham, praying compensation for certain services rendered the State Bank of Arkansas, reported the following resolution:

Resolved, That the Receiver of the Branch of the State Bank at Fayetteville, be authorized to pay Hon. Williamson S. Oldham one hundred dollars, out of any monies in his hands belonging to the Bank, for services rendered to said Bank in aid of her regular attorney.

On motion of Mr. Noland, said petition was recommitted to said select committee.

Mr. Forrest, from the select committee to whom was referred the petition of William Hinds, John Hinds, and William Beach, reported a bill, entitled "an act to grant relief to William Hinds, John Hinds, and William Beach, settlers on the 16th section, of township 17, of range 27 west."

Motions and resolutions were in order.

Mr. Collins pursuant to previous notice, introduced a bill entitled "an act to incorporate the Most Worshipful Grand Lodge of Ancient York Masons of the State of Arkansas, its masonic jurisdiction," which was read a first time.

Mr. Noland introduced the following:

Resolved, That the committees on apportionments and banks, be so remodeled as to consist of as many members as there are judicial districts, each district selecting one member for such committees.

Which was adopted.

Mr. Fletcher of Pulaski, pursuant to notice, introduced a bill entitled "an act to amend the 51st and 52d sections of the 130 chapter of the Revised Statutes, concerning roads and high ways.

Which was read a first time.

Mr. Bell, pursuant to notice, introduced a proposition to amend the 29th section of the 4th article of the Constitution of Arkansas.

Which was read a first time.

Mr. Clarke gave notice that on to-morrow he would ask leave to introduce a bill entitled "an act to authorize the sale of the 16th section of township 8, of range 32, in Crawford county.

Mr. Marshall gave notice that on Monday next, he would ask leave to introduce a bill to be entitled "an act to give jurisdiction to justices of the peace, in cases of assault and battery, covenant, and for other purposes.

Mr. Bertrand gave notice that on to-morrow or some subsequent day, he would ask leave to introduce a bill to be entitled "an act to increase the State revenue, and to reduce the county revenue."

Mr. Lindsay, pursuant to notice, introduced a bill entitled "an act to collect the County and State tax for the counties of Jackson and White, for the year 1846.

Mr. Dunn introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested to use all their influence with the Congress of the United States to procure the passage of a law to appropriate 500,000 acres of land to the State of Arkansas expressly for the use of Common Schools.

Which was laid on the table until to-morrow.

Mr. Brown gave notice that on to-morrow he would ask leave to introduce a bill to be entitled "an act to amend the law relative to appeals from justices of the peace."

Mr. Brown moved that the Rev. Mr. Wade be permitted to preach in the Hall of the House this evening at early candle light.

Which was lost.

Mr. Crutchfield, pursuant to notice, introduced a bill entitled "an act for the relief of William W. H. Newton, late sheriff of Johnson county."

Which was read a first time.

Mr. Noland, pursuant to notice, introduced a bill entitled "an act for the election of School Commissioners, and for the disposition of section 16, of township 17, of range 6 west."

Which was read a first time.

Mr. Woodward, pursuant to notice, introduce a bill entitled "an act to repeal the 28th section of the 12th chapter of the Revised Statutes of Arkansas."

Which was read a first time.

Mr. Abraham, pursuant to notice, introduced a bill entitled "an act to define the boundary line between the counties of Lafayette and Union."

Which was read a first time.

Mr. Wiley, pursuant to notice, introduced a bill entitled "an act to amend the 2d section of the 8th chapter of the Revised Statutes, page 101;" which was raed a first time.

Mr. Hill, pursuant to notice, introduced a bill entitled "an act to exempt millers from performing service as jurors."

Which was read a first time.

Mr. Sharp introduced the following:

Resolved, That a committee of five be raised on amendments to the Constitution of this State, and that said committee be a standing committee of this House."

Which was lost.

Mr. Croft introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested to use their influence with the post office department to have the mail on route No. 5818, from St. Francis, *via:* Smiths, Bolivar, Deleware Hill and Walcott to Pocahontus, carried twice a week."

Which was adopted.

Mr. Brown introduced the following:

Resolved, That the Senate be respectfully requested to transmit to this House all the evidence furnished them by the Secretary of State, in relation to the several resolutions offered as amendments to the Constitution of this State."

Which was adopted.

Mr. Gould, pursuant to notice, introduced a bill entitled "an act to establish the county of Drew."

Which was read a first time.

Mr. Dennis, pursuant to notice, introduced a bill entitled "an act for the relief of Pleasant M. Johnson, late sheriff of Madison county." Which was read a first time.

Mr. Fletcher of Mississippi, introduced the joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested to unite their efforts to procure a mail to be carried at least twice a week from New Madrid, Missouri to Memphis, by the way of Hickman's Bend, Mill Bayou, Herrold, Pecon Point, Frenchman's Bayou, Oldham, and Marion, in the State of Arkansas."

Which was laid on the table until to-morrow.

Mr. Pettigrew gave notice that on to-morrow or some convenent day, he would ask leave to introduce a bill to repeal the 3rd section of the 130th chapter of the Revised Statutes, under the head of 'roads and highways, and for other purposes.

Mr. Sharp gave notice that on Monday next, he would ask leave to introduce a bill to seperate the offices of clerk of the circuit, and clerk of the county and probate courts.

Mr. Embree introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested to use their influenee to procure a river mail from Little Rock to Napoleon, Arkansas.

Which was adopted.

Mr. Hughes, pursuant to notice, introduced a bill entitled "an act to amend the 110th chapter of the Revised Statutes, in relation to paupers."

Which was read a first time.

Mr. Forrest introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested to use their influence to procure a mail route on horseback once a week from Huntsville, Madison county, to John Musick's in the north-west corner of Carroll county, thence to Mathew Gibson's on Cedar creek, a distance of fifty-five miles.

Which was adopted.

Mr. Anthony moved that the House adjourn until 2 o'clock, P. M.

Which was lost.

On motion of Mr. Bertrand, the House adjourned until to-morrow morning at 9 o'clock.

THURSDAY, November 12th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. James W. Turman, the member elect from the county of

Carroll, appeared within the bar of the House, took the oath of office, and entered upon the discharge of his duties.

Mr. Speaker announced that petitions from counties were now in order.

Mr. Abraham presented the petition of A. G. Brent and others, citizens of Lafayette county, praying for the passage of a law requiring slaveholders to provide their slaves with an ample supply of good and wholesome food.

Which, on motion of Mr. Abraham, was referred to a select committee of three, consisting of Messrs. Abraham, Marshall and Annis.

Reports from standing committees were in order.

Mr. Fletcher of Mississippi, from the judiciary committee to whom was referred the bill entitled "an act to authorize the administratrix of the estate of Robert S. Gibson deceased, to pay the debts of the estate, to transfer all the credits of the estate &c.," reported that following amendment, to-wit: "after the concluding words of the 4th section of said bill, insert the words, 'and that nothing in this act shall prejudice the rights of any creditor who has, or shall duly prove up their claims before the probate court."

Which was laid on the table until to-morrow.

Mr. Brown from the committee to whom was referred the bill, entitled "an act to change the name of Mildred Ciphers, to that of Mildred Shewmate," reported the same to the House without amendment.

Mr. Bertrand from the select committee appointed yesterday, upon the resolution adopted in relation to the committees on apportionment, and banks, reported the following standing committee, one being chosen from each judicial district, viz:

Committee on Apportionment.

1st	judicial circuit,	Thomas M. Collins.
2d	"	Wilfred Garner.
3d	"	William *P.* Marshall.
4th	"	Isaac Murphy.
5th	"	C. P. Bertrand.
6th	"	James *P.* Jett.
7th	"	George W. Clarke.

Committee on Banks.

1st	judicial circuit,	Elisha Burke.
2d	"	Jonas Gould.
3d	"	*C. F.* M. Noland.
4th	"	Moses Stout.
5th	"	*P.* T. Crutchfield.
6th	"	Thomas Woodward.
7th	"	R. Griffin.

Which report was accepted.

Reports from select committees were now in order.

Motions and resolutions were now in order.

Mr. Noland introduced the following:

Resolved, that the General Assembly of the State of Arkansas, do propose the following amendments, to the constitution of this State:

1st. There shall be elected by the qualified votes of the respective counties, a presiding judge of the county court, to be commissioned by the Governor, and hold his office for such time as may be prescribed by law, and until his successor in office is commissioned and qualified. He shall in addition to the duties required of him by law, as presiding judge of the county court, be a judge of the probate court, and such jurisdiction in matters relating to the estates of deceased persons, executors, administrators, and guardians, as may be prescribed by law, until otherwise directed by the General Assembly.

2d. There shall be elected by the qualified voters of each county, an attorney for the State for each judicial circuit established by law, who shall be commissioned by the Governor, and hold his office for such term as shall be prescribed by law, and until his successor is commissioned and qualified, and shall reside in his circuit during his continuance in office.

In all cases when an attorney for the State fails to attend and prosecute according to law, the court shall have power to appoint an attorney *pro tempore.*

The attorney for the circuit in which the supreme court may hold its terms, shall attend the supreme court and prosecute for the State,

Which was read a first time.

Mr. Bertrand, pursuant to notice, introduced a bill, entitled "an act to increase the State revenue and reduce the county revenue;"

Which was read a first time.

Mr. Forrest, pursuant to notice, introduced a bill, entitled "an act to distribute the proceeds of the 72d section of land, &c.

Which was read a first time.

Mr. Robinson, pursuant to notice, introduced a bill, entitled "an act to revise the 39th, 41st, 42d, and 45th sections of the 60th chapter of the revised statutes of Arkansas;" which was read a first time:

Also, a bill entitled "an act to change in part the manner of commencing suits in the circuits courts of this State, which was read a first time."

Mr. Martin introduced the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested, to use their influence to have a mail route established, leading from Smithville, Lawrence county, to Salem, Fulton county:

Which was laid on the table until to-morrow.

Mr. Cromwell gave notice that on to-morrow he would ask leave to introduce a bill, for the relief of the sheriffs of Jackson and Scott counties.

Mr. Grimes gave notice that on Monday next, he would ask leave to introduce a bill, to sink a salt well in Van Buren county, and for other purposes.

Mr. Annis gave notice, that on to-morrow he would ask leave to introduce a bill, to remit the interest on all lands sold, belonging to the 500,000 acre donation, &c.

Mr. Croft gave notice that on to-morrow he would ask leave to introduce a bill, to change the mode of selecting grand jurors, &c.

Mr. Tully introduced the following:

Resolved, That it shall be the duty of the Speaker, after the reading and approval of the minutes, to call for petitions by calling the counties in alphabetical order; and after a county has been once called, it shall not be called again until after all the others have been called:

Which was laid on the table until to-morrow.

Mr. Griffin, pursuant to notice, introduced a bill to repeal the 80th section of the 4th chapter of the revised statutes; which was read a first time.

Mr. Leslie introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested, to use their influence for the establishment of a weekly mail route, from Little Rock, by way of the Hamilton settlement, on the Cadron, to Clinton, in Van Buren county; and that the Senate be requested to concur therein:

Which was laid on the table until to-morrow.

Mr. Brown, pursuant to notice, introduced a bill, entitled "an act to amend the law in relation to appeals, &c.; which was read a first time.

Mr. Bertrand gave notice that on to-morrow he would ask leave to introduce a bill, to be entitled "an act to authorize the guardian of the minor heirs of John L. McElrfish, dec'd, to sell lands."

Mr. Jett gave notice that on some day after to-morrow he would ask leave to introduce a bill, entitled "an act to amend the law in relation to dower."

Mr. Sadler gave notice that some day after to-morrow, he would introduce a bill, entitled "an act to survey a route from Little Rock, on the south side of the river, to Perryville, in Perry county; thence to Danville, in Yell county; thence to Boonsville; and thence by the best route to Fort Smith.

On motion of Mr. Grimes, the orders of the day were taken up.

The resolution from the Senate in regard to amendments to the constitution, was taken up and read a second time, and referred to the committee on the judiciary.

A bill entitled "an act to repeal the 3d section of the 109th chapter of the revised statutes;" was taken up, read a second time, and referred to the committee on the judiciary.

A bill, entitled "an act to authorize Henry F. Bone, to sell certain slaves and real estate, of James Bone, dec'd;" was taken up, read a third time, and on motion of Mr. Brickey, recommitted.

A bill from the Senate, entitled "an act declaring the Porteau river, to be a navigable stream, was taken up, read a third time and passed.

A bill entitled "an act to amend an act, entitled, an act to regulate the price of the sale of the 500,000 acres of public land; approved 20th December, 1844, was taken up, read a second time and referred to the committee on public lands.

The following message was received from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill, to be entitled "an act making appropriations to pay the special judges of the circuit courts," which is herewith transmitted for the assent of the House.

The Senate have adopted a resolution instructing our delegation in Congress to have a mail route from Bentonville, in Benton county, to Maysville, near old Fort Wayne, twice a week on horseback," and respectfully ask the assent of the House.

The Senate have concurred in the resolution of the House, instructing our delegation in Congress to use their influence to have a weekly mail route established, from Elizabeth, in Jackson county, via Walcott; to Gainesville, in Green county.

The Senate have also concurred in the resolution of the House, instructing our delegation in Congress to use their influence to procure the passage of a law, graduating the price of the public lads; all of which are herewith returned.

A bill, entitled "an act to regulate the redemption of county scrip," was taken up, read a second time and ordered to be engrossed.

A bill, entitled "an act to amend the 106th section of the 4th chapter of the revised statutes, under the head of administration;" was taken up, read a second time, and referred to the committee on the judiciary.

On motion of Mr. Brown, Mr. Woodward was added to the committee on the judiciary.

Mr. Croft introduced the following:

Resolved, That the House proceed to election of judge and prosecuting attorney, for the first judicial circuit, on Tuesday the 12th day of November, 1846, at 2 o'clock, p. m.; and the Senate be requested to concur herein.

Which was read, and on motion of Mr. Embree, laid on the table indefinitely.

A bill, entitled "an act for the relief of purchasers, under the 500,000 acre donation, was taken up, read a second time, and on motion of Mr. Bertrand, referred to a select committee consisting of Messrs. Cromwell, Bertrand, and Anthony.

A bill, entitled "an act the better to define the line between the counties of Washington and Crawford;" was taken up, read a third time and passed.

A bill, entitled "an act supplementary to the 35th chapter of the revised statutes;" was taken up, read a third time and passed.

A bill from the Senate, entitled "an act to change the name of Alexander Louphimier and Samuel Louphimier;" was taken up and read a first time.

A bill, entitled "an act to regulate the collection of poll-tax," was taken up and read a first time.

A bill, entitled "an act to establish and define the road from Champagnole, in Union county, to the Louisiana line, &c;" was taken up, read a second time, ordered to be engrossed and read a third time tomorrow.

A bill, entitled "an act to amend the 38th chapter of the revised statutes, under the head of estrays;" was taken up and read a second time, and on motion of Mr. Murphy, referred to a select committee, consisting of Messrs. Murphy, Brickey, and Matlock.

A bill, entitled "an act to grant relief to William Hinds, William Beach, and John Hinds, settlers on the 16th section, &c;" was taken up, read a second time, and referred to the committee on education.

A bill, entitled "an act to incorporate the Grand Lodge of Arkansas;" was taken up, read a second time and ordered to be engrossed.

A proposition to amend the 29th section of the 4th article of the constitution, was taken up, read a second time and referred to a select committee, consisting of Messrs. Bell, Clarke, and Brown.

A bill, entitled "an act to amend the 51st and 52d sections of the 130th chapter of the revised statutes, under the head of roads and highways;" was taken up, read a second time, and on motion of Mr. Collins, referred to a select committee of Messrs. Collins, Fletcher of Pulaski, and Newton.

A bill, entitled "an act to collect the county and State tax of Jackson and White counties, for the year 1846;" was taken up, read a second time and referred to a select committee of Messrs. Crutchfield, Turner, and Tully.

A bill, entitled "an act for the relief of Wm. M. H. Newton;" was taken up, read and ordered to be engrossed.

Mr. Dunn introduced the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested, to use all their influence with Congress to procure the passage of a law appropriating 500,000 acres of land, in the State of Arkansas, expressly for the use of common schools:

Which was adopted.

Mr. Clarke moved to reconsider the vote adopting said resolution; which was agreed to.

Mr. Noland moved to amend by striking out the words "expressly for the use of common schools," and inserting in lieu thereof the words "to be applied to the payment of the interest on the bonds sold by the State, to raise capital for banking purposes;"

Which was lost and the original resolution adopted.

A bill, entitled "an act for the election of school commissioners, and for the disposition of section 16, of township 13, of range 6 west," was read a second time and referred to a select committee of Messrs. Noland, Neill, and Billingsley.

A bill, entitled "an act to repeal the 28th section of the 12th chapter of the revised statutes;" was read a second time and referred to the committee on the judiciary.

A bill, entitled "an act to define the boundary line between the counties of Lafayette and Union;" was read a second time and referred to a select committee of Messrs. Abraham, Jett, and Sharpe.

A bill, entitled "an act to amend the 2d section of the 8th chapter of the revised statutes;" was taken up, read a second time and referred to the committe on the judiciary.

A bill, entitled "an act to exempt millers from serving on jurors;" was read a second time and referred to a select committee of Messrs. Hill, Bertrand, and Robinson.

Mr. Tully moved to adjourn until to-morrow morning at 9 o'clock; which was lost.

On motion of Mr. Noland, Mr. Murphy was added to the committee on internal improvement.

On motion of Mr. Murphy, Mr. Robinson was added to the committee on education.

A bill, entitled "an act for the relief of Pleasant M. Johnson, late sheriff of Madison county;" was read a second time and ordered to be engrossed, and read a third time on to-morrow.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have complied with your resolution, requesting the transmission of all the papers furnished by the Secretary of State, containing the proposed amendments to the constitution, by directing me to lay the accompanying papers before your honorable body.

Which with the accompanying documents was referred to the committee on the judiciary.

Mr. Forrest moved that the House adjourn until to-morrow morning at 9 o'clock; which was lost.

The joint resolution instructing our delegation in Congress to procure a mail, twice a week, from New Madrid to Memphis, &c;" was taken up, read and passed.

A bill, entitled "an act to amend the 110th chapter of the revised statutes, under the head of paupers;" was read a second time, and referred to the committee on the judiciary.

A bill, entitled "an act to establish the county of Drew;" was read a second time.

Mr. Halcomb offered an amendment, and on motion of Mr. Bertrand, the rules were dispensed with and the amendment read a second time.

By further motion of Mr. Gould, said bill was ordered to be engrossed, and passed to a third reading.

Mr. Bertrand reported a bill entitled "an act to establish the county of Prairie," which on motion of Mr. Bertrand, was read and passed to a second reading.

On motion of Mr. Forrest the House adjoruned.

FRIDAY, November 13, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read, and approved.

Petitions from counties were announced to be in order.

Mr. Woods presented the petition of Davidson D. Cunningham and others, citizens of Hot Spring county, praying that a portion of Clear Creek township, in Hot Spring county, be attached to the county of Dallas; which was referred to a select committee of Messrs. Woods, Gentry and Kearby.

Mr. Croft presented the petition of James B. Meredith, and sundry citizens of Green county, praying the establishment of a new county, to be composed of the north end of Poinsett county, the east of Lawrence, and the west of Mississippi; which was laid on the table indefinitely.

Reports from standing committees were in order.

Mr. Gould made the following report:

Mr. Speaker—I am instructed by the committee on counties and county lines, to report a bill, to be entitled an act to define the boundary line between the counties of Washington and Polk.

Which was read a first time.

Reports from select committees were in order.

Mr. Bell, from the select committee to whom was referred the proposition to amend the 59th section of the 4th article of the constitution, reported the same back without amendment.

Mr. Noland, from the select committee, to whom was referred a bill entitled "an act supplemental to an act to elect school commissioners, and to dispose of section 16, of township 13 north, of range 6 west," reported a substitute entitled "an act supplemental to an act to elect school commissioners, and for the disposition of section 16, of township 13 north, of range 6 west;"

Which, on his motion was adopted.

Mr. Crutchfield, from the select committee, to whom was referred a bill entitled "an act for the collection of State and county tax, for the year 1846, in Jackson and White counties," reported the same back without amendment, and recommended its adoption.

Mr. Fletcher, of Pulaski, gave notice that on to-morrow he would ask leave to introduce a bill entitled "an act to legalize the sale of section 16, in township 1 north, of ranges 11 and 12 west, and to sell that portion of said section which remains unsold."

Mr. Marshall gave notice that on Tuesday next, he would ask leave to introduce a bill to repeal the 5th section of the 72d chapter of the Revised Statutes, under the head of guardian and ward.

Mr. Kelley gave notice that on to-morrow he would ask leave to introduce a bill to declare the Antoine river navigable.

Mr. Dunn introduced the following:

Resolved, That the two Houses of this General Assembly, on Monday next, at 11 o'clock, A. M., proceed to the election of one supreme judge to fill the vacancy of the Hon. Thomas J. Lacy, resigned; also one circuit judge for each of the first, fifth, and seventh judicial circuits; as well as the prosecuting attorneys for the several circuits of this State; and that the Senate be requested to concur herein.

Which was laid on the table until to-morrow.

Mr. Bertrand, pursuant to notice, introduced a bill entitled "an act to authorize the guardian of the minor heirs of John H. McElfrish, deceased, to sell lands; which was read a first time.

Mr. Farmer introduced the following joint resolution:

Whereas, there are settlements in the north and north-east parts of Johnson county, wholly destitute of mail facilities of any kind; therefore be it

Resolved, That our delegation in Congress be instructed to use their exertions to procure the establishment of a weekly mail route, by horse conveyance, from Clarksville, in Johnson county, by Samuel Farmers', thence to Francis K. Jones', on Mulberry, thence to intersect the route from Ozark to Huntsville, at the head of White river, a distance of 60 miles; and that the Senate be requested to concur herein.

Which was laid on the table until to-morrow.

Mr. Sharp gave notice that on Tuesday next, he would introduce a bill to authorize the probate court of Washington county, to appoint Riley Buchanan, guardian of the minor heirs of Charles Buchanan, deceased, and for other purposes.

Mr. Forrest, pursuant to notice, introduced a bill entitled "an act to prescribe the powers and duties of attorneys for the State Bank and branches;" which was read a first time.

Mr. Pettigrew introduced a bill entitled "an act to repeal the 3d section of the 103d chapter of the Revised Statutes;" which was read a first time.

Mr. Clarke introduced a bill entitled an act for sinking a salt well in Crawford county; which was read a first time.

Mr. Whittington gave notice that on to-morrow, he would ask leave to introduce a bill to repeal the 18th section of an act entitled an act, supplementary to an act, to establish a system of common schools, approved the 9th of January, 1845.

Mr. Patrick introduced a bill entitled "an act to amend the road laws, approved January 9th, 1845; which was read a first time.

Message from the Senate, by the Secretary:

Mr. Speaker—Im am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House to adjourn *sine die*, on the 7th of December next. They have, also, assented to a preamble and resolutions of the House, instructing our delegation in Congress to procure the extension of certain mail routes therein named;

Which is herewith returned.

Mr. Pettigrew gave notice that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to authorize the probate courts of this State, to appoint guardians for free persons of color, and for other purposes,"

Mr. Pettigrew introduced a bill entitled "an act to declare L'Anguille, in St. Francis a navigable stream:" read a first time.

Mr. Gould introduced the following:

Resolved, That the committee of the judiciary be instructed to enquire into the expediency of increasing the fees of officers.

Which was adopted.

Mr. Brickey gave notice that on to-morrow, he would ask leave to offer certain amendments to the constitution, in article 4th, sections 3d, 7th, 8th, and 31st: in article 5th, section 24th; so that the Legislature shall convene only once in four years; and the Auditor and Treasurer be elected for four years.

Mr. Tully gave notice that on to-morrow, he would ask leave to introduce a bill entitled "an act to require justices of the peace to take the evidences of settlement and improvement on the donated lands in this State, and to certify the same, and for other purposes."

Mr. Woods offered the following:

Resolved, That our delegation in Congress be instructed to use their best endeavors, to obtain a donation of land sufficient to pay the State indebtedness.

Which was adopted.

Mr. Clarke gave notice that on to-morrow, he would propose an amendment to the constitution, so as to place the election of Secretary of State, Auditor, and Treasury before the qualified voters of the State; and to place the election of all commissioned military officers before those liable to military duty.

Mr. Stotts gave notice that on to-morrow, he would ask leave to introduce a bill entitled "an act to declare the St. Francis a navigable stream from its junction with the Mississippi to the Missouri line."

Mr. Embree introduced the following:

Resolved, That the committee on printing, of this House, report progress upon the joint resolution in relation of the Houses on the subject of printing.

Which was adopted.

Mr. Wiley introduced the following:

Resolved, That the committee on apportionment, be required to enquire into the practicability of reducing the number of members of this House.

Which was adopted.

Mr. Jett gave notice that on some future day he would ask leave to introduce a bill entitled "an act to repeal an act authorizing the payment of taxes directly into the State treasury, in certain cases; and to revive that portion of the 128th chapter of the Revised Statutes, which was repealed by said act."

Mr. Mitchell gave notice that on some future day, he would ask leave to introduce a bill entitled "an act to amend the 4th section of the 99th chapter of the Revised Statutes, under the head of mills and millers."

On motion of Mr. Crutchfield, Mr. Fletcher, of Pulaski, was added to the committee on internal improvement.

Mr. Brown gave notice that on to-morrow, he would ask leave to introduce a bill entitled "an act to repeal an act, approved the 10th day of January, 1845, entitled an act to regulate the action of forcible entry and detainer."

Mr. Hughes gave notice that on to-morrow, he would ask leave to introduce a bill entitled "an act to amend the 80th chapter of the Revised Statutes, in relation to interest."

Mr. Hammock, pursuant to notice, introduced a bill entitled "an act to change the mode of voting in this State from *viva voce*, to voting by ballot;" which was read a first time.

On motion of Mr. Patrick, Mr. Fletcher, of Mississippi, was added to the committee on public lands.

Mr. Patrick was also added to said committee.

On motion of Mr. Dunn, the orders of the day were taken up.

A bill entitled "an act to incorporate the town of Arkadelphia," was read a third time and passed.

The joint resolution of the Senate, providing that the committee on the Auditor's and Treasurer's books, be a joint committee, was concurred in.

A bill entitled "an act to authorize the administratrix ot Robert S. Gibson, deceased, to discharge all debts of said deceased, &c." was read a third time, as amended.

On motion of Mr. Gould, the rules of the House were dispensed with, and the act read a second time.

Mr. Bell moved to dispense with the rules of the House, and read the act a third time; which was lost.

On further motion of Mr. Bell, said bill was ordered to be engrossed, and read a third time to-morrow.

The bill entitled "an act to change the name of Mildred Ciphers, to Mildred Shewmate" was read a third time and passed.

The bill entitled "an act to increase the State revenue, and for other purposes," was read a second time; and,

On motion of Mr. Bertrand, referred to the committee on ways aud means.

The joint resolutions instructing our delegation in Congress, to use their influence to procure a mail route rrom Smithville to Salem, was adopted.

The bill entitled "an act to repeal the 39th, 41st, 42d, and 45th sections of the 60th chapter of the Revised Statutes, was taken up, read a second time; and,

On motion of Mr. Annis, referred to the committee on the judiciary.

The joint resolution, introduced by Mr. Noland, proposing certain amendments to the constitution, was read a second time, and referred to the committee on the judiciary.

The bill entitled "an act to distribute the proceeds of the 72 sections of public land," was read a second time, and referred to the committee on education.

The bill entitled "an act to change in part the mode of commencing suits, &c.," was read a second time, and referred to the committee on the judiciary.

The joint resolution, instructing our delegation in Congress, to use their influence to procure a weekly mail route from Little Rock to Clinton, Van Buren county, was read and adopted.

Mr. Tully's resolution, in relation to the order of taking up business in the House, was read and adopted.

The bill entitled "an act to amend the law in relation to appeals from justices of the peace, &c." was read a second time, and referred to the committee on the judiciary.

The bill from the Senate, entitled "an act to change the names of Alexander Lanphimier, and Samuel Lanphimier," was read a second time; and,

On motion of Mr. Bruton, ordered to be engrossed, and read a third time to-morrow.

The following communication from his Excellency the Governor, was received by the clerk of the House:

Executive Office, Little Rock, Nov. 14, 1846.

To the Clerk of the House of Representatives:

Sir—I herewith transmit the report of the Inspectors of the State Prison, to which allusion was made in my communication to the General Assembly, of the 2d inst. Respectfully,

THO'S. S. DREW.

The bill entitled "an act to repeal the 80th section of the 4th chapter of the Revised Statutes," was read a second time; and,

On motion of Mr. Croft, referred to the committee on the judiciary.

The bill entitled "an act to regulate the collection of poll-tax," was read a second time: ordered to be engrossed and read a third time to-morrow.

The joint resolution from the Senate, instructing our delegation in Congress, to endeavor to procure a mail route from Bentonville to Maysville, &c., was read and concurred in.

The bill from the Senate, entitled "an act making appropriations to pay the special judges of the circuit courts," was read a first time.

The bill entitled "an act for the relief of Pleasant M. Johnson, late sheriff of Marion," was read a third time and passed.

The bill entitled "an act for the relief of William M. H. Newton, late sheriff of Johnson county," was read a third time and passed.

The bill entitled "an act to incorporate the Grand Lodge of Arkansas," was read a third time and passed.

The bill entitled "an act to establish the county of Prairie," was read a second time; and,

On motion of Mr. Fletcher, of Pulaski, the rules of the House were dispensed with, and the bill read a third time and passed.

The bill entitled an act to collect the county and State tax for the counties of Jackson and White for the year 1843, was read a third time, and passed.

The proposition to amend the 29th section of the 4th article of the Constitution, was read a third time; and

On motion of Mr. Bertrand, referred to the committee on the judiciary.

Motions and resolutions were now in order.

Mr. Bertrand introduced the following:

Resolved, That the standing committee on ways and means be a standing committee with the such similar committee as has or may be appointed on the part of the Senate.

Which was adopted.

Mr. Annis gave notice that on to-morrow he would ask leave to introduce a bill to enlarge the list of taxable property.

On motion of Mr. Woodward, leave of absence was granted Mr. Kearby for to-morrow.

On motion of Mr. Bruton, the House adjourned until to-morrow morning, at 9 o'clock.

SATURDAY, November 14th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Crutchfield presented the petition of the Little Rock Fire Company.

Which on his motion, was referred to a committee of Messrs. Crutchfield, Bertrand and Fletcher.

Mr. Crutchfield presented the petition of the Mechanics' Association of Little Rock, and calling the attention of the Legislature to the penitentiary system.

On motion of Mr. Crutchfield, said petition was referred to the standing committee on the penitentiary.

Reports from standing committees were in order.

Mr. Fletcher of Mississipppi, from the judiciary committee, to whom was referred a bill entitled an act to repeal the 3d section of 109th chapter of the Revised Statutes, reported the same back without amendment.

Which report was laid on the table.

Mr. Jett, from the standing committee on education, to whom was referred a bill entitled an act for the relief of William Hynds, John Hynds, and William Beach, settlers on the 16th section of township 17 north of range 27 west, reported against said bill, and recommended its rejection.

Which was laid upon the table with the orders of the day.

Mr. Murphy, from the judiciary committee, to whom was referred the bill entitled an act to amend the 110th chapter of the Revised Statutes in relation to paupers, reported, and recommended the rejection of said bill.

Which was laid upon the table.

Mr. Crutchfield, from the committee on the judiciary, to whom was referred a bill entitled an act to amend the 2d section of the 8th chapter of the Revised Statutes, page 101, reported the same back without amendment.

Which was laid upon the table.

Reports from select committees were in order.

Mr. Abraham, from the select committee to whom was referred a bill entitled an act to define the boundary line between the counties of Lafayette and Union, reported the same back without amendment.

Mr. Hill, from the select committee to whom was referred a bill entitled an act to exempt millers from serving as jurors, reported the same with an amendment.

Which was received.

Mr. Woods, from the select committee to whom was referred the petition of sundry citizens of Hot Spring county, praying that a part of clear creek township, in Hot Spring county, be attached to the county of Dallas, reported the same as inexpedient.

Which was received.

Motions from counties were in order.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill entitled an act to repeal an act authorizing a geological survey of the State of Arkansas. Also,

An act to repeal an act entitled an act to authorize non-residents of the State and others owning lands and town-lots in which they shall not reside, to pay taxes upon such lands and town-lots directly into the State treasury, if they shall prefer to do so.

All of which is herewith submitted for the assent of the House.

The Senate have assented to and passed the bill of the House entitled an act to change the name of James T. Reaves, of Bradley county, to Doctor Ridgely Reaves.

Which is herewith returned.

Mr. Halcomb introduced the following:

Resolved, That the committee on banks be instructed to enquire if the officers of the principal bank of the State, or either of the branches have negligently permitted any notes in said bank or branches to lie over until the debts or liabilities of debtors have been barred by the statute of limitations; if so, what amount?

Be it further resolved, That said committee be further instructed to enquire whether the statute of limitations has been successfully pleaded upon any debts due the said bank or branches: and if so, to what amount? And that said committee further enquire at what branch said neglect exists, and who are the officers charged with conducting the business of said bank or branch bank: And also the name of debtors at such bank or branch, who have, by the negligence of the officers thereof, availed themselves of the benefit of the statute of limitations: And that said committee have power to send for persons and papers.

Mr. Collins moved to amend, by inserting after words "availed themselves," in the last resolution, the words "as securities and not as principals."

Mr. Gould moved to amend the last of the original resolutions by striking out the following words: "and also the debtors of said bank or branch, who have by the negligence of the officers of the bank availed themselves of the benefit of the statute of limitations."

Mr. Collins offered the following amendment to the amendment proposed by Mr. Gould:

Be it further resolved, that the committee on the judiciary be instructed to enquire into the expediency of abolishing all limitation laws.

Which was accepted by Mr. Gould.

The question being put upon the adoption of the amendment, it was rejected.

Mr. Hill moved that the original, together with the amendments, be laid upon the table.

Mr. Bruton called for the yeas and nays: which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Collins, Cromwell, Crutchhfield, Hill, Hughes, and Patrick—6.

Those in the negative, are

Messrs. Abraham, Alston, Annis, Anthony, Bell, Bennett, Bertrand, Billingsley, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Croft, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Jett, Kelly, Kendall, King, Kuykendall, Leslie, Lindsay, Marshall, Matlock, Mitchell, Murphy, Niell, Newton, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turman, Turner, Wells, Whittington, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker—65.

So the motion to lay on the table was lost.

Mr. Collins, with leave, withdrew his resolution in relation to all limitation laws.

Mr. Bertrand introduced the following amendment:

Resolved, That said committee report to this House the names of all persons in this State who have, either as principal or security, pleaded the statute of limitations.

Mr. Gould moved to amend the amendment by inserting therein "all persons who have failed to pay their debts, by plea or otherwise."

Which was accepted by Mr. Bertrand.

Mr. Bruton moved to lay the resolution and amendment on the table.

The ayes and noes were called for and ordered.

Mr. Bertrand moved for a division of the question.

Which was lost.

Mr. Gould moved the following amendment to the last of the original resolutions, "that said committee shall have power to allow a reasonable compensation to the clerks on whom they may call for information; which shall be allowed by the auditor, and paid by the treasurer."

Mr. Clarke moved to amend this amendment, by adding the words "out of the funds of the bank which he may have in his hands."

Which, with the last amendment of Mr. Gould, was lost.

The ayes and noes were called on the original resolutions, with the first amendment of Mr. Collins.

Those in the affirmative, are

Messrs. Annis, Anthony, Bell, Billingsly, Brickey, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Croft, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Gentry, Griffin, Grimes, Hammock, Jeffrey, Kelly, Kendall, King, Kuykendall, Leslie, Lindsay, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Thompson, Tully, Dunn, Wells, Williams, Wright and Mr. Speaker—51.

Those in the negative, are

Messrs. Abraham, Bennett, Bertrand, Collins, Crutchfield, Garner, Gould, Hill, Halcomb, Hughes, Jett, Patrick, Patterson, Stout, Whittington, Wiley, Woods, and Woodward—18.

So the original resolutions, with the first amendment of Mr. Collins, were adopted.

Communication from his Excellency the Governor, by his private secretary.

Executive Office, Little Rock, Nov. 13, 1846.

To the Honorable, the Speaker of the House of Representatives of the General Assembly of Arkansas, now in session.

Sir—I herewith transmit to you, and respectfully ask to have laid before the House over which you have the honor to preside, the two accompanying documents marked Nos. 1 & 2, relating to the employment of E. Cummins, Esq., at the February term of the circuit [court] in Independence county, in the service of the State.

The services of Mr. Cummins, at the time, were believed to be indispensable. They were of the most arduous character, and I would most respectfully call the attention of the General Assembly to the justice of this claim, believing that he should receive a liberal compensation.

Respectfully,

THO'S. S. DREW.

Which, together with the accompanying documents, was laid on the table until next Monday.

Mr. Annis moved that the House adjourn until Monday morning at 9 o'clock.

Which was lost.

On motion of Mr. Bertrand, leave of absence was granted to Mr. Noland for the day, on account of indisposition.

Mr. Cromwell moved that the House adjourn. Lost.

Mr. Woods moved that the orders of the day be taken up. Lost.

Mr. Tully moved an adjournment. Lost.

Mr. Clarke, pursuant to notice, introduced a bill entitled "an act for the sale of section 16, of township 8 north, of range 32 west, for common school purposes;" which was read a first time.

Mr. Clarke, pursuant to notice, introduced the following:

Resolved by the General Assembly of the State of Arkansas, That they do propose the following amendments to the constitution:

1st. That there shall be elected by the qualified electors, at the time and places where they shall respectively vote for representatives, a Secretary of State, Auditor and Treasurer, who shall hold their offices for the term of two years, and until their successors in office are elected and qualified, unless sooner removed.

2d. That major generals, brigadier generals, field officers, captains and subaltern officers, shall be elected by those subject to military duty in their respective divisions, brigades, regiments, and companies. Which was read a first time.

Mr. Brown, pursuant to notice, introduced a bill entitled "an act to repeal an act, entitled an act to regulate the action of forcible entry and detainer;" which was read a first time.

Mr. Brown introduced the following:

Resolved, That our Senators in Congress be instructed, and our Representative requested, to procure if practicable, a weekly mail route, to go into immediate operation, from Van Buren, in Brawford county, to Huntsville in Madison county, Arkansas, a distance of 80 miles: to establish a post office at mountain township, in Crawford county, and at such other points as the public good may require.

Which was adopted.

Mr. Collins introduced the following:

Resolved, That our delegation in Congress be instructed to use their best exertions to procure the passage of a law to incorporate the army and navy of the late republic of Texas with those of the United States.

Which was laid on the table until Monday next.

Mr. Croft, pursuant to notice, introduced a bill entitled "an act to change the mode of selecting grand jurors" which was read a first time.

Mr. Jeffrey gave notice that he would, on some future day, ask leave to introduce a bill regulating the distribution of the 500,000 acre donation.

Mr. Embree introduced the following:

Resolved, That the committee on the judiciary are requested to enquire into the expediency of changing the present mode of choosing grand and petty jurors.

Which was adopted.

Mr. Embree introduced the following:

Resolved, That the committee on education be requested to enquire into the expediency of reducing the price of the seminary lands belonging to the State, so the proceeds can be applied to further objects of education, and report to this house.

Which was adopted.

Mr. Embree gave notice that on Monday next, he would ask leave to introduce a bill to repeal an act entitled "an act to amend the road laws:" and to revive the 19th, 20th, 21st, 24th, 25th, and 70th sections of the revised statutes, under he head of roads and highways.

Mr. Turner gave notice that Monday next, he would ask leave to introduce a bill, to be entitled "an act to revise the constitution of the State of Arkansas, and for other purposes."

Mr. Newton gave notice that on a future day, the would ask leave to introduce a bill to change the line between the counties of Johnson and Newton.

Mr. Robinson gave notice that on Friday next, he would ask leave to introduce a bill to be entitled "an act to amend the 1st and 5th sections of the 102d chapter of the revised statutes, under the head of ne-exeat."

Also, a bill to repeal an act, approved February 3d, 1843, under the head of "abolishing imprisonment in civil cases;" and

Also, a bill to be entitled "an act to amend the revenue law."

Mr. Childers, introduced the following:

Resolved, That the committee on internal improvement, be requested to enquire into the expediency of appropriating a portion of the proceeds of the 500,000 acre donation to the improvement of Black and Saline rivers.

Which was adopted.

Mr. Marshall introduced the following:

Resolved, That the judiciary committee be instructed to enquire into the expediency of passing a law to limit the charges of medical men; and also, to class their claims on an equality with other claims against the estate of deceased persons; and that they report as soon as practicable.

Which was adopted.

Mr. Tully, pursuant to notice, introduced a bill entitled "an act to require justices to certify the completing of improvements on the donation claim, and for other purposes;" which was read a first time.

Mr. Tully gave notice that on a future day, he would ask leave to introduce a bill to be entitled "an act to allow married men forty acres of land, exempt from levy or sale."

Mr. Embree moved an adjournment. Lost.

Mr. Bell moved to take up the orders of the day. Lost.

Mr. Forrest introduced a bill entitled "an act the better to define the duties of constables, and for other purposes;" which was read a first time.

Mr. Whittington introduced a bill to repeal the 18th section of an act, approved on the 9th of January, 1845, relative to common schools.

Which was read a first time.

Mr. Ramsay introduced a resolution to appoint a special committee of five, to simplify the duties of justices of the peace; which was adopted, and Messrs. Ramsay, Kelly, Robinson, Tully, and Patterson, appointed such committee.

Mr. Woodward gave notice that on Monday next, he would ask leave to introduce a bill entitled "an act to amend the first section of an act concerning limitations," approved December 14th, 1845.

Mr. Fletcher, of Pulaski, introduced a bill "to legalize the acts of the commissioners of the 16th section, in township 1 north, of range 11 and 12 west."

Mr. Bertrand moved to adjourn. Lost.

Mr. Crutchfield introduced the following:

Resolved, That the committee on the judiciary report upon the law concerning the election of township officers, &c.

Which was adopted.

On motion of Mr. Bertrand, leave of absence was granted Mr. Croft.

Mr. Kendall gave notice that on Tuesday next, he would, by leave, introduce a bill "to declare Big creek a navigable stream."

Mr. Annis introduced a bill entitled "an act for the relief of purchasers of the 500,000 acre donation;" which was read a first time.

Mr. Kelly introduced a bill entitled "an act declaring Antoine, a navigable stream;" which was read a first time.

Mr. Kelly gave notice that on Monday next, he would ask leave to introduce a bill entitled "an act to amend the 6th section, and to repeal the 7th section of the 51st chapter of the revised Statutes."

Mr. Wright moved to adjourn. Lost.

Mr. Stotts gave notice that on Monday next, he would ask leave to introduce a bill entitled "an act to repeal the 2d section of the 12th chapter of the revised statutes, under the head of attachment.

Mr. Stotts introduced a bill entitled "an act declaring the St. Francis river a navigable stream;" which was read a first time.

Mr. Anthony introduced a resolution to amend the constitution, so as to constitute public administrators; which was laid on the table.

Mr. Pettigrew introduced a bill entitled "an act to authorize probate courts to appoint guardians for free persons of color:" read a first time.

On motion of Mr. Leslie, leave of absence was granted Mr. Crutchfield, on account of indisposition.

On motion of Mr. Bertrand, the House adjourned until Monday next, at 9 o'clock, A. M.

MONDAY, November 16, 1846.

The House met pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Halcomb presented the petition of John W. Sketo and others, citizens of Desha county, praying the passage of a special act to authorize the collection of a tax from the citizens of Napoleon, for the erection of a levee around said town, to prevent inundations by the Mississippi and Arkansas rivers; which was referred to Messrs. Halcomb, Garner and Embree.

Mr. Halcomb presented the petition of John B. Newman, and other citizens of Desha county, praying the passage of a law to authorize the said Newman to keep a ferry across the Mississippi and Arkansas rivers, for the term of ten years; which was referred to Messrs. Halcomb, Kendall, and Stout.

Mr. Jett presented the petition of David C. Paxton, and other citizens of Hempstead county, praying the incorporation of the Baptist Church Mount Zion, situate in Washington, in said county: referred to Messrs. Jett, Hill and Kelly.

Reports from standing committees were in order.

Mr. Wells, from the committee on public lands, to whom was referred "the bill to amend the act to regulate the price and sale of the 500,000 acres of land, approved 20th Dec., 1844, reported the same back to the House, with the following amendment, to follow immediately after the word "months," in the 16th line, viz: "from and after the passage of this act," and recommend the adoption and passage of the same.

Mr. Murphy, from the committee, to whom was re-committed the petitition of Hon. W. S. Oldham, reported the following:

Mr. Speaker—A majority of the committee, to whom was referred the petition of Hon. W. S. Oldham, have directed me to report, that they have had the matter under consideration—have examined several witnesses, by whom the facts set forth in the petition, are fully sustained. Messrs. English, Watkins and Lincoln testified that the services rendered were worth five hundred dollars, according to the custom of the bar in such cases, provided that the property in litigation was worth twenty thousand dollars, and the object was delay merely. The property cost the bank fifty thousand dollars, and only brought twenty-five hundred, for the setting aside of which, Judge Oldham asks compensation.

It was also in evidence, that a portion of the same property has since sold for a less sum, under execution from the State courts, for which the bank, and not Judge Oldham, is responsible.

But taking into consideration the fact, that Judge Oldham, at the time the services were rendered, was attending a session of the supreme court, and in the service of the State, and paid for that service by a fixed salary; and in as much as he was called in to aid the *regular* attorney of the bank, whose duty it was to have attended to the matter, and whose *capability* to perform that duty is to be *presumed*, your committee thought five hundred dollars too much, and have directed me to report the following resolution:

Resolved, by the General Assembly of the State of Arkansas, That the Receiver of the Branch Bank at Fayetteville, be authorizee to pay Hon. W. S. Oldham, the sum of one hundred dollars, out of any money in his hands belonging to the bank, for services rendered to the bank, in aid of her regular attorney."

Mr. Alston, from the minority of said committee, made the following report:

Mr. Speaker—As one of the select committee, to whom was recommitted the petition of Hon. W. S. Oldham, asking compensation for professional services to the State Bank before the U. S. district court, I beg leave to differ from the majority of the committee, and with due respect to the opinion of the majority, to make this minority report; 1st, because it proposes to pay for services which the law did not authorize any of the bank officers to engage; 2d, because it has not been shown that the services were necessary to the interest of the bank; 3d, because the performance of the services has not resulted in the slightest benefit to the bank or State; 4th, because so long as the legislature will grant relief or pay for such departures from the law on the part of bank officers, our treasury will be drained by their frequent occurrence.

Mr. Collins moved to lay said minority report on the table.

Mr. Alston called for the ayes and nays.

Which was ordered, and the roll called.

Those voting in the affirmative, are Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Clarke, Clements, Collins, Croft, Crutchfield, Featherston, Fletcher, of Mississippi, Fletcher, of Pulaski, Gentry, Gould, Hill, Halcomb, Hughes, Jett, Leslie, Murphy, Newton, Noland, Patrick, Patterson, Stout, Thompson, Tully, Williams, and Woods,—35.

Those voting in the negative, are Messrs. Alston, Anthony, Burke, Childers, Cromwell, Dennis, Dunn, Embree, Farmer, Forrest, Griffin, Grimes, Hammock, Jeffrey, Kelly, Kendall, King, Kuykendall, Lindsay, Marshall, Matlock, Mitchell, Neill, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Stotts, Turman, Turner, Wells, Woodward, Wright, and Mr. Speaker—36.

So the motion to lay on the table was lost.

The question was then upon the adoption of said minority report.

Mr. Bertrrnd called for the ayes and nays, which were ordered, and the roll called.

Those voting in tho affirmative, are

Messrs. Alston, Anthony, Burke, Childers Cromwell, Dennis, Dunn, Embree, Farmer, Forrest, Griffin, Grimes, Hammock, Jeffrey, Kelly, Kendall, King, Kuykendall, Lindsay, Marshall, Matlock, Mitchell, Neill, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Stotts, Turman, Turner, Wells, Whittington, Woodward, Wright, and Mr. Speaker—36.

Those voting in the negative, are

Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Clarke, Clements, Collins, Croft, Crutchfield, Featherston, Fletcher, of Mississippi, Fletcher, of Pulaski, Garner, Gentry, Gould, Hill, Halcomb, Hughes, Jett, Leslie, Murphy, Newton, Noland, Patrick, Patterson, Stout, Thompson, Tully, Williams, and Woods—36.

So the House refused to adopt the minority report.

The question was then upon the adoption of the minority report.

The ayes and nays were called, and ordered.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Bell, Bennett, Billingsly, Brickey, Bruton, Buchanan, Clarke, Clements, Collins, Croft, Crutchfield, Featherston, Fletcher, of Miss., Fletcher, of Pulaski, Garner, Gentry, Gould, Hill, Halcomb, Hughes, Jett, Leslie, Murphy, Newton, Patrick, Patterson, Stout, Thompson, Tully, Williams, and Woods—33.

Those voting in the negative, are

Messrs. Alston, Anthony, Bertrand, Brown, Burke, Childers, Cromwell, Dennis, Dunn, Embree, Farmer, Forrest, Griffin, Grimes, Hammock, Jeffrey, Kelly, Kendall, King, Kuykendall, Lindsay, Marshall, Matlock, Mitchell, Neill, Noland, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Stotts, Turman, Turner, Wells, Whittington, Woodward, Wright, and Mr. Speaker—39.

So the majority report was lost.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act to allow sheriffs credit on the Auditor's books, for conveying convicts to the Penitentiary."

Also, "an act authorizing William T. Moore, and Richard Cail, as administrators of the estate of Miller Irvin, dec'd, late sheriff and collector of taxes in Phillips county, to collect certain taxes in said county; which are herewith submitted for the assent of the house.

The Senate have assented to the bill of the House, entitled "an act to incorporate the town of Arkadelphia, which is herewith returned.

Reports from select committees were now in order.

Mr. Collins, from the select committee to whom was referred the bill entitled "an act to amend the 51st and 52d sections of chapter 130 of the revised statutes," reported the same back without amendment.

The following report from the Auditor of public accounts, for the State of Arkansas, was laid before the House by Mr. Speaker:

Auditor's Office, Little Rock, Ark's,
14th November, 1846.

To the Speaker of the House of Representatives:

Sir—In compliance with a resolution of the House of Representatives, the Auditor has the honor of submitting the accompanying tabular statement marked "A," showing the rates of the county taxes on "each hundred dollars worth of property," as those rates appear to have been fixed by the several county courts for the years 1845 and 1846; The total number of persons charged with a poll-tax—the rate of the poll-tax—the total value of taxable property, and the total amount of county taxes *charged on the tax-books* of each county for the year 1845, and also for the year 1846, so far as returns have been received by the Auditor. The information so given appears to have been called for by the resolution of the House; and the Auditor has added the rates of the county taxes in each county for the years 1837–8–9, '40, '41, '42, '43, and '44, so far as to obtain or arrive at the rates of those years, from the records in this office.

The Auditor has also added to the statement a column in which is shown in what year each county was formed; and also another in which is shown from what territory, county, or counties, each county was formed.

The information given in this tabular statement will be useful to the clerks of the several counties, in calculating arrearages of taxes, especially on lands not taxed for a series of years.

The resolution calls on the Auditor to state the aggregate amount of taxes received for county revenue in this State.

The Auditor has no official information of the amount of taxes actually received by each county in this State, nor any date by which to estimate the amount received by each county for ferry, tavern, grocery, and pedlars, licences, or for criminal convictions, original writs, certificates of record, fines and forfeitures, and other sources from which county revenue may be derived, but which are not designated in returns made to this office.

The Speaker will please lay this communication, and the tabular statement 'A,' before the House of Representatives.

The Auditor has the honor to be most respectfully,

Your obedient servant,
ELIAS N. CONWAY,
Auditor of Public Accounts of the State of Arkansas.

Which, on motion of Mr. Crutchfield, was all referred to the committee on ways and means.

Message from the Senate by the secretary.

"*Mr. Speaker*—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled "an act to establish the county of Prairie," which is herewith returned.

The special communication from his Excellency Thomas S. Drew, recommending renumeration to E. Cummins Esq., for services rendered as an attorney in behalf of the State Bank of Arkansas, at the instance, and request of his Excellency, was taken up, read, and on motion of Mr. Brown, referred to Messrs. Brown, Neill and Matlock.

Mr. Crutchfield, by leave, moved that five hundred copies of the communication of the Auditor, together with the tabular statement showing the rate of county taxes on 'each hundred dollars worth of property, &c.,' be printed for the use of this House.

Which was agreed to.

Mr. Collins, by leave, offered the following:

Resolved, That the resolution requiring the counties to be called alphabetically, &c., be rescinded.

Mr. Collins moved that the rules be suspended.

Which was lost, and the original resolution laid on the table until to-morrow.

Mr. Hughes gave notice that on to-morrow, he would, by leave, introduce a bill entitled "an act to repeal the 42d section of an act to establish a system of Common Schools in the State of Arkansas."

Mr. Leslie gave notice that on to-morrow he would ask leave to

Auditor's Office, Little Rock, Ark's., 14th November, 1846.

To the Speaker of the House of Representatives: Sir:—In compliance with a resolution of the House of Representatives, the Auditor has the honor to submit the accompanying tabular statement marked [A.] showing the rates of the county taxes, "on each hundred dollars worth of property," designated on the tax books, as those rates appear to have been fixed by the county court of each county for the years 1845 and 1846; the total number of persons charged with a poll tax; the rate of the poll tax; the total value of taxable property, and the total amount of county taxes *charged on the tax book* of each county for the year 1845, and also for the year 1846, as far as returns have been received by the Auditor. The information so given appears to have been called for by the resolution of the House; and for the information of the House of Representatives, the Auditor has added the rates of the county taxes in each county for the years 1837, 1838, 1839, 1840, 1841, 1842, 1843, and 1844, as far as he has been able to obtain, or arrive at the rates for those years, from the records of this office. The Auditor has also added to the statement a column in which is shown, in what year each county was formed; and also another column showing from what territory, county or counties each county was formed. The information given in this tabular statement, will be useful to the clerks of the several counties in calculating arrearages of taxes, especially on lands not taxed for a series of years. The resolution of the House calls on the Auditor to "state the aggregate amount of taxes received for county revenue in this State." The Auditor has no official information of the amount of taxes actually "received by each county in this State," and has no data upon which to estimate the amount received by each county for ferry, tavern, grocery, and pedlars' licenses; or for criminal convictions, original writs, certificates of record, fines and forfeitures and other sources from which county revenue may be derived, and which are not designated in returns made to the Auditor. The Speaker will be pleased to lay this communication and the tabular statement, A, before the House of Representatives. The Auditor has the honor to be, most respectfully, your ob't serv't,

ELIAS N. CONWAY, Auditor of Public Accunts of the State of Arkansas.

[A.]

A STATEMENT of the rates of the county taxes "on each hundred dollars worth of property," designated on the tax books, as those rates appear to have been fixed by the County Court of each county for the years 1845 and 1846; the total number of persons charged with a poll tax; the rate of a poll tax; the total value of taxable property, and the total amount of county taxes *charged on the tax book* of each county for the year 1845, and also for the year 1846, as far as returns have been received by the Auditor: to which the Auditor has added for the information of the House of Representatives, the rates of the county taxes in each county, for the years 1837, 1838, 1839, 1840, 1841, 1842, 1843 and 1844, as far as he has been able to obtain, or arrive at the rates for those years from the records of this office. The Auditor has also added a column in which is shown in what year each county was formed; and also another column showing from what territory, county or counties, each county was formed. This last information will be useful to the Clerks of the several counties in calculating arrearages of taxes, especially on lands not taxed for a series of years.

	COUNTIES.	YEAR FORMED.	From what territory or counties formed.	Rates of the county taxes for the years designated.								Number persons charged with a poll tax.	Rate of poll tax for 1845	Number persons charged with a poll tax.	Rate of poll tax for 1846.	Total valuation of property designated on the tax books for the year 1845.	Rates on each $100, for the year 1845.	Total amuont of county taxes charged on the tax books for the year 1845.	Total valuation of property designated on the tax books for the year 1846.	Rates on each $100, for the year 1846.	Total am't of county taxes charged on the tax books for 1846.	
				1837	1838	1839	1840	1841	1842	1843	1844	1845.	D. C.	1846.	D. C.				D. C.		D. C.	
1	Arkansas	1813	From Missouri territory,	1-16	1/8	1/8	1/8	1/8	1/8	1/8	1/8	221	1 00	275	1 00	$584,009 00	1/8	$1,024 88	618,948 25	1/8	$1,165 66	1
2	Benton	1836	do Washington county,		1/4	1/2	1/2	1/2	1/2	1/2	1/2	468	62½	460	62½	225,505 50	1/3	1,046 35	213,241 00	3-8	998 93	2
3	Bradley	1840	do Union county.					1/8	1/8	1-12	1-10	317	50	393	50	484,296 00	1/8	771 74	523,925 77	1/8	881 94	3
4	Crawford	1820	do Pulaski county,	1/4	1/4	1/2	1/2	1	1/2	1/2	1/2	874	1 00	897	1 00	890,309 82	1-2	5,337 80	891,245 37	1-2	5,354 29	4
5	Conway	1825	do Pulaski county,	1/4	1/4	3/8	3/8	5-16	3/8	3/8	3/8	505	50	453	1 00	291,659 00	3-8	2,348 92	265,289 00	1-2	2,930 60	5
6	Carroll	1833	do Izard county,	1/4	1/4	1/2	1/3	1/2	3/4	1/2	1/2	525	75	535	1 00	113,100 50	1-2	952 83	117,340 00	1-2	1,168 25	6
7	Crittenden	1825	do Phillips "	1/4		1/4	1/4	1/4	1-6	1-6	1-5	290	50	231	50	796,817 10	1-5	1,741 88	894,484 72	1-4	2,136 42	7
8	Clark	1818	do Arkansas "	1-16	1/4	1/4	1/4	1/4	1-4	1/4	1/4	402	25	453	50	637,167 00	45-100ths.	3,921 05	610,560 00	45-100ths.	2,863 95	8
9	Chicot	1823	do Arkansas "			1/4	3/8	1/4	1/2	1/2	1/2	417	1 00	487	1 00	2,256,613 89	1-2	11,293 56	2,433,267 38	1-2	12,662 81	9
10	Dallas	1845	do Clark and Bradley counties,									217		257	50	345,548 00	1/8	480 42	446,452 84	1-4	917 85	10
11	Desha	1838	do Arkansas county,			1/8	1/8	1/8	1/4	1/2	1/2	334	1 00	405	1 00	440,735 00	5-8	3,189 00	453,515 00	5-8	3,230 98	11
12	Franklin	1837	do Crawford "	1/4	1/4	1/4	3/8	1/2	1/2	3/8	1/4	462	1 00	504	75	262,274 00	3-8	1,467 29	269,171 00	1-4	1,040 81	12
13	Fulton	1842	do Izard "							1/2	1/2	208	1 00	254	75	47,406 00	1-2	444 54	62,277 00	1-2	475 50	13
14	Green	1833	do Lawrence "	1/4	1/4	1/4	1/2	1/2	1/2	1/2	4-10	394	1 00	367	1 00	55,309 00	1-2	665 69	48,258 00	1-2	616 10	14
15	Hempstead	1818	do Arkansas "		3-16	1/8	1/8	1/8	1-6	1-6	1-6	400	1 00	505	50	1,288,545 00	1-6	2,529 95	1,316,947 69	1-8	1,898 89	15
16	Hot Spring	1829	do Clark "	5-16	3/8	3/8	3/8	1/2	1/2	1/2	1/4	219		271	1 00	168,968 97	1-2	1,106 14	171,136 00	3-8	941 83	16
17	Independence	1825	do Lawrence "	1/4	1/4	3/8	3/8	3/8	3/8	1/4	1/4	.675	50	656	1 00	487,196 00	1-4	1,830 60	504,102 00	1-2	3,292 90	17
18	Izard	1825	do Independence "			1/2	1/2	1/2	1/2	1/2	1/2	292	75	300	50	72,949 00	1-2	584 16	73,927 50	1-2	493 16	18
19	Jefferson	1829	do Ark's and Pulaski counties,	1-16	1/4	1/4	1/4	1/4	1/8	3-16	1/4	326	1 00	403	1 00	798,244 62	1-4	2,354 95	887,396 66	3-10	3,006 70	19
20	Jackson	1829	do Independence county,	1/4	1/4	1/4	1/4	1/4	1/4	1/4	1/4	303	1 00			280,440 00	5-16	1,180 53		5-16		20
21	Johnson	1833	do Pope "	1/4	1/4	1/2	3/8	3/8	1/4	1/4	1/4	605	1 00	576	1 00	438.548 88	1-4	1,699 58	402,009 51	1-4	1,682 50	21
22	Lafayette	1827	do Hempstead "	1/4				1/8	1/8	1/4	1-4	163	1 00	194	1 00	1,446,190 00	1-4	3,002 88	1,155,797 00	1-8	1,695 75	22
23	Lawrence	1815	do Missouri territory,	1/3	1/8	1/8	1-6	1-6	1/4	3/8	3/8	529	25	598	25	263,094 00	3-8	1,518 78	256,911 00	3-8	1,121 58	23
24	Montgomery	1842	do Hot Spring county,									182	1 00	215	1 00	46,776 00	3-8	357 19	48,124 00	3-8	395 95	24
25	Monroe	1829	do Phillips, Ark's & Pulaski co's	1/8	1/4	3/8	1/4	1/4	1/4	3/8	3/8	206	1 00	276	1 00	350,925 59	1-2	2,122 40	425,936 13	1-2	2,715 41	25
26	Madison	1836	do Washington county,	1/4	3/8	1/2	1/2	3/8	1/3	1/2	1/2	587	63	622	63	131,147 00	1-2	1,034 28	138,615 00	1-4	1,317 85	26
27	Marion	1835	do Izard "			3/8	1/2	1/2	1/2	3/8	3/8	251	75	230	75	62,665 00	3-8	422 53	63,050 28	3-8	405 81	27
28	Mississippi	1833	do Crittenden "	1-6	1-6	1/4	3/8	1/4	3/8	3/8	3/8	188	1 00	188	1 00	287,621 00	3-8	1,280 60	291,212 00	3-8	1,296 84	28
29	Newton	1842	do Carroll "							1/2	1/2	213	1 00	234	1 00	20,653 00	1-2	317 87	27,593 00	1-2	370 18	29
30	Ouachita	1842	do Union "							1/4	1/8	482	1 00	620	1 00	566,955 50	1-4	1,890 52	731,888 59	1-4	2,405 89	30
31	Polk	1844	do Sevier "									165	1 00	141	1 00	21,346 00	1-2	271 73	20,641 05	1-2	244 21	31
32	Pulaski	1818	do Arkansas "	1/4	1/4	1/4	1/4	1/4	1/4	1-4	3/8	806	1 00	970	1 00	1,025,312 71	3-8	6,200 94	1,219,433 00	3-8	6,659 45	32
33	Pope	1829	do Crawford "	1-5		1/2	1/3	1/2	3/8	1/2	3/8	553	1 00	533	1 00	226,411 00	3-8	1,402 04	233,370 00	3-8	1,408 14	33
34	Phillips	1820	do Arkansas "	1-16	1-10	1/4	1/4	1-16	1-6	1-6	1/4	743	1 00	752	1 00	1,383,504 75	1-3	6,212 34	1,387,907 00	1-4	4,692 39	34
35	Pike	1833	do Hemp'd and Clark counties,	1/4		1/2	1/2	1/2	3/8	5-16	1/4	143	37½	119	37½	80,276 00	5-16	295 72	70,297 00	5-16	279 32	35
36	Perry	1840	do Conway county,					1/2	1/2	1/2	5/8	56	1 00	143	1 00	54,333 00	1-2	411 52	49,909 87	1-2	400 [illegible]	36
37	Poinsett	1838	do Green and St. Francis co's.		1/2	1/2	1/2	1/2	1/2	1/2	1/2	306			1 00	156,833 00	1-2	1,298 54	151,851 00	1-2	1,14[illegible]	37
38	Randolph	1835	do Lawrenc county,			1/4	1/4	1/4	1/4	1/4	3/8	413	75	436	1 00	241,580 09	1-4	1,046 31	253,907 00	1-4	1,264 76	38
39	Sevier	1828	do Hempstead and Miller co's,	1/4	1/4	3/8	3/8	44¼-100	1/4	1/4	1-5	364	1 00	358	1 00	486,814 86	3-8	2,284 65	569,405 03	1-2	2,905 02	39
40	Saline	1835	do Pulaski county,	1-6	3-16	1/4	1/4	1/4	5-16	7-16	5-16	421	1 00	435	1 00	391,240 14	5-16	1,652 18	438,833 00	5-16	1,823 11	40
41	Scott	1833	do Crawford & Pope counties.			1/4	1/4	1/2	1/2	1/2	1/2	338	1 00	316	1 00	67,793 28	1-2	699 59	68,918 22	1-2	694 11	41
42	Searcy	1838	do Marion county,			1/2	1/2	1/2	1/2	1/2	1/2	234	62½	232	75	28,680 00	1-2	292 48	30,668 00	1-2	328 87	42
43	St. Francis	1827	do Phillips "	1/4	1/8	1/4	1/8	1/8	3/8	1/2	1-4	446	1 00	476	1 00	463,688 00	1-2	3,435 55	469 320 00	1-2	3,041 52	43
44	Union	1829	do Hemp'd and Clark counties,	1/4		1/4	1/8	1/8	1/8	1/8	1/8	877	1 00	997	1 00	901,816 13	1-5	2,758 84	1,154,411 93	1-5	2,314 92	44
45	Van Buren	1833	do Con'y, Izard and Ind'nce "	1/4	1/4	1/4	1/4	1/4	1/2	1/2	1/2	281	1 00	249	1 00	70,363 00	1-2	761 89	65,951 00	1-2	576 87	45
46	Washington	1828	do Lovely, & Crawford "	1/4	1/4	1/4	1/4	29⅙-100	29⅙-100	1/3	1/3	1257	1 00	1148	1 00	811,539 00	1/3	3,962 13	785,541 50	1-3	3,762 92	46
47	White	1835	do Pulaski, Ind'ce & Jackson "	1/4	1/4	1/2	1/3	1/2	1/2	1/2	1/3	290	1 00	271	1 00	171,191 00	1-4	863 64	128,001 00	1-2	641 10	47
48	Yell	1840	do Pope and Scott counties,						1/2	3/8	1/2	446	1 00			175,778 00	1-2	1,324 91		2-5		48
			Total									19,494		19,741		$20,900,169 33		$93,097 97	$21,290,900 21		$91,591 07	

Auditor's Office,
Little Rock, Arkansas, Nov. 14th, 1846.

ELIAS N. CONWAY, Auditor of Public Accounts
of the State of Arkansas.

CENSUS OF ARKANSAS, FOR 1846.

COUNTIES.	WHITE MALES.						WHITE FEMALES.		FREE PERSONS OF COLOR.		SLAVES.			ACRES OF LAND IN CULTIVATION.		PRODUCTIONS.				
	Under 10 years.	Over 10 and under 18.	Over 18 and under 21.	Over 21 and under 45.	Over 45.	Total of Males.	Under 16.	Over 16.	Males.	Females.	Under 8 years.	Over 8 and under 60.	Over 60.	Cotton.	Grain.	Bales of Cotton.	Bushels of Corn.	Bushels of Wheat.	Bushels of Oats.	Total No. of souls.
Arkansas,	246	131	44	268	71	760	328	307	5	4	303	760	25	3,631	3,559	2,674	77,310	80	2,443	2,492
Benton,	672	266	106	437	138	1,619	810	641	2	2	89	133	12	9	12,235		159,236	21,821	25,065	3,308
Bradley,	450	231	56	331	99	1,167	556	357	1	1	367	892	28	2,570	7,242	1,417	113,024	112	3,575	3,369
Carroll,	788	372	67	482	147	1,856	920	686	4	5	53	99	18	25	8,595	3	200,115	10,017	8,027	3,641
Chicot,	313	153	51	485	62	1,064	365	385	9	12	1,331	2,625	96	19,122	8,957	16,499	300,230	50	7,775	5,887
Clark,	422	231	83	429	101	1,266	534	524	1		176	359	11	1,581	2,817	974	87,060	170	998	2,871
Conway,	514	246	69	423	106	1,358	673	512	3		62	121	2	1,086	5,858	411	104,390	1,130	6,473	2,731
Crawford,	946	494	113	949	213	2,715	1,318	1,059	33	36	287	550	7	1,574	15,482	787	353,955	7,066	62,891	6,005
Crittenden,	248	187	62	331	65	893	327	308	11	6	183	461	16	870	4,475	740	125,685		700	2,205
Dallas,	311	239	34	264	52	800	366	295			299	530	23	1,961	3,934	1,580	54,423		460	2,313
Desha,	297	170	45	404	72	988	395	353	31	29	208	430	8	2,704	3,989	3,323	84,413		1,890	2,442
Franklin,	548	303	96	434	119	1,500	696	583	8	6	171	279	9	2,021	8,006	899	160,565	1.972	10,761	3,252
Fulton,	270	172	42	196	66	746	353	324	1		19	43		41	3,624	22	87,648	3,913	3,240	1,486
Green,	440	244	42	322	72	1,120	587	435			20	37			4,334		73,437	2,132	2,577	2,199
Hempstead,	635	355	128	603	183	1,904	840	704	29	23	736	1,507	37	8,161	16,985	3,631	293,637	2,176	28,709	5,780
Hot-Spring,	312	136	60	238	68	814	596	9	3	6	56	126	3	125	3,696	132	59,635	538	4,418	1,613
Independence,	675	332	144	505	156	1,812	865	688	4	1	165	337	19	69	9,825	34	274,756	12,461	14,890	3,891
Izard,	398	172	47	259	52	928	434	365	1		50	96	6	39	4,064		78,012	6,704	4,446	1,880
Jackson,	353	215	85	314	68	1,035	522	395	6	8	83	188	3	800	4,486	441	107,960	725	1,830	2,240
Jefferson,	329	165	54	386	68	1,002	397	391	4	5	593	1,228	16	5,492	5,433	4,513	133,325	12	315	3,636
Johnson,	616	341	79	451	143	1,630	829	642	5	3	227	433	9	2,695	11,195	1,362	207,666	7,406	23,775	3,778
Lawrence,	616	414	206	419	169	1,824	821	689	3	3	102	206	3	136	11,619	35	219,535	12,243	12,200	3,651
Lafayette,	134	62	18	169	36	419	186	176			572	1,610	75	11,317	6,837	8,748	95,620	100	425	3,038
Madison,	770	375	112	529	141	1,927	1,057	714	3	5	83	106	1		11,842		201,174	18,013	18,716	3,896
Marion,	338	184	32	208	67	829	273	321	26	23	33	43			4,246		90,940	4,903	2,310	1,548
Mississippi,	181	104	21	207	54	567	265	225	2		167	372	11	421	4,262	323	166,485	80	75	1,609
Monroe,	217	132	47	248	59	703	270	299	3	1	76	106		786	2,558	484	38,422	10	700	1,458
Montgomery,	252	114	24	206	46	642	317	234	2		30	59	1	74	2,542	47	33,606	1,801	660	1,285
Newton,	313	131	39	199	63	745	450	297			8	23	3		2,904		44,310	1,882	1,810	1,506
Ouachita,	585	290	118	619	143	1,755	1,031	349	5		682	1,341	129	2,422	10,792	1,594	155,845	256	3,399	5,292
Perry,	167	100	16	118	41	442	187	141	3	3	4	7	1	75	1,830	37	29,462	661	575	788
Phillips,	606	322	71	729	164	1,892	766	706	9	3	432	768	28	5,042	8,350	4,055	285,790	40	6,013	4,804
Pike,	146	78	21	107	30	382	194	166			10	35		416	1,797	183	29,975	272	969	787
Poinsett,	371	192	56	281	67	967	433	346			33	70	5	164	4,058	83	70,365	2,564	3,459	1,854
Polk,	184	82	29	118	39	452	207	157	2	3	12	28			2,014		23,395	683	1,154	861
Pope,	597	255	88	499	108	1,547	735	466	1	1	139	236	4	1,844	7,200	712	139,206	4,845	8,459	3,129
Pulaski,	719	355	118	815	195	2,202	951	883	29	51	358	760	14	1,018	6,636	508	136,991	879	7,645	5,248
Randolph,	486	236	76	396	85	1,279	567	506	2	1	54	140	7	47	8,149				1,401	2,556
Saline,	530	249	89	315	118	1,301	701	327	1	1	152	310	5	1,964	8,123	796	129,265	1,002	5,957	2,798
Scott,	402	206	54	286	82	1,030	505	375	6	6	37	84	1	405	5,567	242	109,070	2,382	7,025	2,044
Searcy,	292	120	30	221	67	742	397	366			10	17			8,615		58,169	1,968	1,752	1,532
Sevier,	373	252	107	319	101	1,152	545	422	7	8	386	660	23	3,208	7,739	1,962	98,700	562	7,722	3,203
St. Francis,	691	266	73	403	98	1,531	536	487	2	11	107	283	4	1,688	5,487	1,053	114,245	570	1,267	2,950
Union,	909	425	114	[illegible]	220	2,630	1,212	961	15	12	1,084	2,117	53	7,779	18,678	2,933	236,546	85	1,345	8,084
Van Buren,	301	185	52	241	69	848	462	309			32	37			4,313	18	80,540	830	2,513	1,688
Washington,	1,413	693	222	1,041	327	3,696	1,807	1,384	15	13	313	514	9	21	25,445	11	414,518	45,154	84,185	7,751
White,	302	155	78	249	77	861	376	304	2	3	47	94	1	111	5,499	49	54,415	550	3,830	1,688
Yell,	502	273	50	423	65	1,313	505	450	5	3	78	138	2	971	5,514	282	85,150	2,682	3'366	2,494
	22,180	11,311	3,474	18,838	4,852	60,655	28,447	22,023	304	287	10,519	21,598	728	94,485	341,407	62,669	6,278,221	183,502	404,190	144561

SECRETARY OF STATE,
ittle Rock, 2d November 1846.

I CERTIFY that table exhibits a tru stract of ensus of the S. Arkansas, fo e year 1846, as appears from the returns made to this office.

B. GREER, *Secretary of State.*

introduce a bill "to amend the 25th section of an act establishing Common Schools," and for other purposes.

Mr. Patrick introduced the following:

Resolved, by the General Assembly of the State of Arkansas, That they do propose the following amendment to the Constitution:

"That no person shall be elegible to the office of sheriff more than four years, in any term of six years."

Which was laid on the table until to-morrow.

Mr. Hughes introduced the following preamble and resolution:

Whereas, the people of this State, and the travelling community labor under many disadvantages from the unfinished state of the Memphis road; and whereas the completion of this road is an object of internal improvement which would partake much of a natural character, and be of eminent advantage to this State, and to the General Government.

Therefore, be it be resolved, That our Senators in Congress be instructed, and our Representative requested to use all their influence with Congress to procure the passage of a law, granting five hundred thousand acres of land to the State of Arkansas for the purpose of completing said road.

Which was laid on the table until to-morrow.

Mr. Patrick offered the following preamble and resolution:

"*Whereas,* the road leading from Memphis, in the State of Tennessee, through this State to Little Rock, is of great utility to the trading community in general, and of vast importance to the General Government in the transportation of troops and munitions of war, being the most practicable road through this State for such purposes, if completed.

Therefore, be it resolved, That the committee on internal improvements be instructed to enquire into the expediency and propriety of memorializing the Congress of the United States for an appropriation to complete said road." Which was adopted.

Mr. Pettigrew gave notice that on Tuesday he should ask leave to offer an amendment to the Constitution of this State, in lieu of section 10 of article 6, title 'judicial department,' with regard to the election, duties, and powers of judges of the county courts.

Mr. Patterson introduced the following:

Resolved, By the Senate and House of Representatives, that the committee on the Penitentiary be instructed to enquire into the expediency of changing the avocations of the convicts in said institution, so as to employ them in the manufacture of cotton-bagging, baling rope, and twine; and further to enquire into the following preliminary matters, viz: what amount of the raw material for such manufacture is produced in the State, and at what cost it could be procured in the market of Little Rock, what extra additions would be necessary to the institution to fit it for such employment, and the cost of the same; what is the cost of the raw material in other markets, and the expenses of transportation to Little Rock. The price at which such manufactured articles could be sold, and the cost of transporting the same to market, together with an estimate of loss and gain to the State from such change, as nearly as can be ascertained from the best data the committee can obtaine, and the committee report the result to this General Assembly as soon as may be, by bill or otherwise.

Which was laid on the table until to-morrow.

Mr. Bertrand was called to the chair.

Mr. Rust gave notice that he would on Thursday, introduce a bill to authorize the executors, administrators, and assigns, of the purchasers of the lands of the five hundred thousand acres donated for purposes of internal improvement, to substitute their notes or bonds for those of the original purchasers, and authorizing the Governor to convey title to such executor, administrator, or assignee, upon payment of the purchase money.

Mr. Rust introduced the following:

"*Resolved*, That the committee on apportionment be instructed to adopt such a ratio of representation in reporting their bill of apportionment, as will reduce the number of members of this House to sixty.

Resolved, That when the population of any county would entitle her under the ratio adopted, to a certain number of Representatives, with a considerable fraction over, then the committee shall give to this county and such adjacent county, or counties the fractional population of which would be equal to the ratio adopted, a floating member to be elected by such counties jointly.

Resolved, That the Senate be requested to concur herein."

Which was laid on the table until to-morrow.

Mr. Grimes introduced the following:

"*Resolved*, That the committee on internal Improvements be requested to enquire into the expediency of improving the navigation of Little Red River from its mouth up to the three forks thereof in township 11 north, and range 11 west, of the Public surveys."

Which was adopted.

Mr. Grimes introduced a bill to be entitled "an act amendatory to an act to provide for sinking a salt well in Van Buren county, approved January 9th, 1845."

Which was read a first time.

Mr. Sadler gave notice that on Friday next, he would ask leave to introduce a bill to be entitled "an act for the relief of the collector of Yell county;" also, a bill to "define the line between Pope and Yell counties."

Mr. Collins introduced the following:

Resolved, That the clerk of the House procure two of 'Shall's Maps of Arkansas,' for the use of the committee on apportionment.

Which was adopted.

On motion of Mr. Gould, the orders of the day were taken up.

The bill entitled "an act to establish the county of Drew," was taken up, read a third time and passed.

The report of the committee on the judiciary to whom was referred the bill to be entitled "an act to amend the 110th chapter of the Revised Statutes, in relation to paupers, was taken up and read a third time, and on motion of Mr. Hughes was re-committed to a select committee of Messrs. Hughes, Crvtchfield and Jeffrey.

The resolution of Mr. Dunn, fixing the time of going into the election of judges and prosecuting attorneys, was taken up, read, and on motion of Mr. Bertrand, laid on the table indefinitely.

The bill entitled "an act supplemental to an act for the election of school commissioners, and for the disposition of section 16, of township 13, of range 6 west," was taken up and read a second time.

The bill entitled "an act to provide for the sinking a salt well in Crawford county,"was taken up, read, and on motion of Mr. Clarke, referred to the committee on internal improvement.

The bill entitled "an act to amend an act entitled an act to amend the road law, approved January 9th, 1845," was taken up and read.

Mr. Woodward offered an amendment.

Mr. Patrick moved that the original and amendment lie on the table until Monday.

Which was agreed to.

Mr. Embree moved that the House adjourn.

Which was lost.

The bill entitled "an act to declare L'Anguille river, in St. Francis county, a navigable stream," was taken up, read a second time and passed to a third reading.

The bill entitled "an act to declare Antoine river navigable," was read a second time.

The bill entitled "an act for the relief of purchasers of the 500,000 acre donation for internal improvement," was read a second time.

The bill entitled "an act to legalize the acts of the commissioners of the 16th section, in township 1 north of ranges 11 and 12 west, was taken up and read a second time.

The bill entitled "an act to repeal the 18th section of an act supplementary to an act to establish common schools, approved Jan'y 9th, 1845," was read a second time.

The bill from the Senate entitled "an act making appropriations to pay special judges of the circuit courts," was taken up, read a second time, and on motion of Mr. Crutchfield, referred to the committee on ways and means.

The bill from the Senate entitled "an act to repeal an act authorizing a geological examination of the State of Arkansas," was read a first time.

The bill from the Senate entitled "an act to authorize non-residents and others owning lands and town lots, in counties in which they do not reside, to pay taxes thereon directly into the State Treasury if they shall perfer so doing," was read a first time.

The report of the select committee to whom was referred "the petition of Sundry citizens of Hotspring county, praying to be attached to Dallas county," was read and adopted, and the prayer of the petitioners refused.

Mr. Lindsay moved an adjournment.

Which was lost.

The bill "to regulate the collection of poll tax," was taken up, read a third time and passed.

Mr. Tully moved an adjournment.

Which was lost.

The bill 'to regulate the duties of constables,' was taken up, read a second time, and on motion of Mr. Bertand, laid on the table until Monday next.

The bill entitled "an act to provide for the sale of the 16th section of township 8 north, of range 32 west, &c.," was read a second time, and on motion of Mr. Clarke, referred to the committee on education.

Mr. Murphy moved an adjournment.

Which was lost.

The bill entitled "an act to exempt millers from performing service as jurors," with its amendments, was taken up, and the rules being dispensed with, on motion of Mr. Gould, the bill and amendments were read a third time and passed.

On motion of Mr. Bertrand, the House adjourned.

Tuesday, November 17th, 1846.

The House met pursuant to adjournment.

On motion of Mr. Noland, the reading of the journal of yesterday was deferred until to-morrow morning.

Mr. Speaker announced that petitions from counties were now in order.

Mr. Croft presented the petition of John B. Crafton, and other citizens of Green county, praying the erection of a new county, out of the south end of Green, and the north end of Poinsett counties; which, together with the one on the table on the same subject, was referred to the committee on counties and county lines.

Reports from standing committees were now in order.

Mr. Fletcher of Mississippi, from the committee on the judiciary, made the following report:

"*Mr. Speaker*—I am instructed by the judiciary committee to report back to the House without amendment, a bill to be entitled "an act to amend the law in relation to appeals from justices of the peace to the circuit courts."

Also, a bill entitled "an act to change in part, the manner of commencing suits in the circuit courts of this State," and to recommend its amendment by striking out the 2d section.

FLETCHER *of Mississippi*.

Mr. Gould, from the same committee, made the following report:

Mr. Speaker:

I am instructed by a majority of the judiciary committee, to whom was referred a bill, entitled " an act to revive the 39th, 41st, 42d, and 45th sections of the 60th chapter of the revised statutes;" to report the same back, with the following amendment to wit:

Strike out of the first section of the bill, the words "41st, 42d, and 45th," and to recommend its passage as amended:

Also, to report back the bill, entitled " an act to repeal the 28th section of the 12th chapter of the revised statutes," with the following amendment to the 2d section of the bill, to wit: " and the property shall remain in the hands of the officer making the first levy," and to recommend the passage of the bill as amended.

J. GOULD.

Mr. Brown from the same committee made the following report:

Mr. Speaker—The standing committee on the judiciary to whom was referred the several documents in relation to the protest of divers citizens of Benton county, who have protested against the Hon. William Thompson, one of the members elected from said county, having or maintaining his seat as a member of this General Assembly, have according to order had the subject under consideration, and unanimously agree that said Hon. William Thompson, member elect from said county of Benton, is constitutionally entitled to a seat as a member from Benton county, in this House; therefore,

Resolved, That the said Hon. William Thompson, be, and he is hereby fully entitled to his seat from said county of Benton, in this body; and we respectfully ask the adoption of this resolution.

R. C. S. BROWN.

Which report and resolution were adopted.

Mr. Brown, also, made the following report:

Mr. Speaker—The judiciary committee to whom was referred the resolution instructing them to inquire into the expediency of passing a law limiting medical men in their charges: also, classing their claims and putting them on an equality with other claims against the estates of deceased persons, have according to order, had the matter under consideration, and direct me to report that they consider it inexpedient to legislate upon the matter at present: that so far as the classification of claims against estates of deceased persons, is concerned, they seem well provided for by existing laws.

R. C. S. BROWN.

Mr. Brown, also, made the following report:

Mr. Speaker—The standing committee on the judiciary, to whom was referred the bill, to be entitled "an act to repeal section 80 in chapter 4, of the revised statutes;" have had the same under consideration, and instruct me to report that in their judgment, it is inexpedient to pass said bill, and they therefore recommend that it be laid on the table until the first day of March next.

R. C. S. BROWN.

Mr. Abraham, from the select committee to whom was referred the petition of sundry citizens of Lafayette county, praying for the passage of a law requiring slave owners to furnish their slaves with a sufficient quantity of good and wholesome food, reported a bill, to be entitled "an act supplementary to the 44th chapter of the revised statutes, under the head of criminal jurisprudence,"

Which was read a first time and passed to a second reading.

Mr. Bertrand from the select committee to whom was referred the bill, to be entitled "an act for the relief of purchasers under the 500,000 acre donation," reported the same back without amendment.

Mr Brickey from the select committee to whom was referred the bill, entitled "an act to authorize Henry F. Bone, administrator of James Bone, dec'd, to sell certain slaves and real estate;" reported the same back without amendment, and recommended its passage.

Mr. Crutchfield from the committee to whom was referred the petition of the Little Rock Fire Company, reported a bill in favor of the petition, to be entitled "an act to exempt the individuals composing the association called the Little Rock Fire Company, from serving on juries, or performing militia duty;"

Which was read a first time.

Motions and resolutions were in order.

Mr. Gould gave notice that on to-morrow he would ask leave to introduce a bill to distribute the proceeds of the sale of the 500,000 acre donation, among the several counties, in proportion to their revenue and population.

Mr. Matlock gave notice that on *W*ednesday next, he would ask leave to introduce a bill, for the relief of John O'Neal, of Carroll county.

Mr. Collins gave notice that on to-morrow or some other day, he would ask leave to introduce a bill to protect the rights of married women.

Mr. Garner gave notice that on to-morrow, he would ask leave to introduce a bill to repeal the 123d section of the revised statutes, under the head of justices of the peace, and for other purposes: also, a bill to revive the 51st chapter of the revised statutes, under the head of fees of officers.

Mr. Dunn gave notice that on *F*riday he would ask leave to introduce a bill for the better organization of the militia of Franklin county.

Mr. Alston gave notice that on Wednesday he would ask leave to introduce a bill to authorize Franklin county to pay the ferriage of grand jurors and witnesses in behalf of the State or county.

Mr. Alston introduced the following:

Resolved, by this House, that it shall not be in order to adjourn until 12 o'clock, m., and that this House hold evening sessions after the 20th of this month, from 2 until 4 o'clock p. m.; and that no resolution or motion shall be in order in the evening session, until all the business belonging to the orders of the day is taken up:

Which was laid on the table until to-morrow.

Mr. Croft, pursuant to notice, introduced the following resolution:

Be it resolved, That the following be and the same is hereby declared to be a part of the constitution of the State of Arkansas, to wit:

That the Legislature of the State of Arkansas is hereby authorized to reduce the number of square miles in the counties of Green and Poinsett, to five hundred square miles and no less,

Which was laid on the table until to-morrow.

Mr. Mitchell, pursuant to notice, introduced a bill, to be entitled "an act to repeal the 4th section of the 99th chapter of the revised statutes, and for other purposes," which was read a first time.

Mr. Jett gave notice that on to-morrow he would ask leave to introduce a bill to abolish the distinction between murder in the first and second degree.

Mr. Hill introduced the following:

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of improving the navigation of Little Missouri river:

Which was adopted.

Mr. Brickey, pursuant to notice, introduced a joint resolution proposing certain amendments to the constitution; which was read a first time.

Mr. Embree introduced the following:

Resolved, That a joint committee be appointed of three, from the House, and two from the Senate, whose duty it shall be to revise and report an administration law:

Laid on the table until to-morrow.

Mr. Embree introduced, also, the following:

Resolved, That the committee on public printing be requested to report the progress in relation to the documents accompanying the Governor's message; and provided the printing of the same be not commenced, to let out the same to the printing office which can execute them at the earliest day:

Which was lost.

Mr. Embree introduced, a bill, to be entitled "an act to amend the 1st section of the 4th article of the constitution;" which was read a first time.

Mr. Embree introduced also, a bill, to be entitled "an act to amend the road law;" which was read a first time.

Mr. Newton introduced a bill, to be entitled "an act to change and define the line between the counties of Johnson and Newton;" which was read a first time.

Mr. Robinson gave notice that on Wednesday next, he would ask leave to introduce a bill, to repeal the 39th section of the 79th chapter of the revised statutes, under the head of "insolvents."

Mr. Tully introduced a bill, entitled "an act to allow heads of families certain property, in addition to what is now allowed by the 20th section of the 60th chapter of the revised statutes;" which was read a first time.

Mr. Clements gave notice that at some future day he would ask leave to introduce a bill to change the line between the counties of Marion and Fulton, and for other purposes.

Mr. Fletcher, of Mississippi, introduced the following:

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law, that all the property of the wife, owned by her at the time of her marriage, or acquired by her afterwards, by gift, devise, or descent, or otherwise than from her husband, shall be her own separate property:

Which was adopted.

Mr. Crutchfield was called to the chair.

Mr. Woodward, pursuant to notice, introduced a bill, entitled "an act to amend the 1st section of an act, concerning limitations," approved December 14th, 1844:

Which was read a first time.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House, entitled "an act the better to define the line between the counties of Washington and Crawford:

Also, "an act for the relief of Wm. M. H. Newton, late sheriff of Johnson county;" all of which are herewith returned.

Mr. Kendall, pursuant to notice, introduced a bill, to be entitled "an act to declare Big Creek a navigable stream;" which was read a first time.

Mr. Bruton gave notice that on some convenient day he would ask leave to introduce a bill to change the mode of assessing taxable property, from the office of sheriff, to that of justice of the peace.

Mr. Kelly, pursuant to notice, introduced a bill, to be entitled "an act to amend the 6th section of the 51st chapter of the revised statutes, under the head of divorce;"

Which was read a first time.

Mr Anthony introduced a joint resolution to instruct our delegation in Congress, to use their influence to procure such a change in the law concerning the 500,000 acre donation, as will permit its application to common school purposes.

Which was laid on the table until to-morrow.

Mr. Anthony introduced a joint-resolution requiring the committee on apportionment to inquire into the expediency of reducing the number of representatives to the lowest constitutional limits.

Laid on the table until to-morrow.

Mr. *Featherston*, pursuant to notice, introduced a bill, entitled "an act to repeal the 42d section of an act to establish a system of common schools, in the State of Arkansas:"

Which was read a first time.

Mr. Patrick introduced a joint resolution proposing certain amendments to the constitution; which was laid on the table until to-morrow.

Mr. Patrick gave notice that on to-morrow or some other day, he would ask leave to introduce a bill to declare Cache river a navigable stream, from the mouth of said river to Gager Point.

Mr. Patrick introduced the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That both Houses of this General Assembly, proceed on Thursday next, (19th inst.,) to elect a judge and prosecuting attorney, for the 1st judicial circuit, and that the Senate be requested to concur herein.

Mr. Patrick moved that the rules of the House be dispensed with, so that this joint resolution be read a first time;

Which was lost and the resolution laid on the table until to-morrow.

Mr. Grimes gave notice that on Monday next, he would ask leave to introduce a bill to regulate the fees of constables, in this State," and for other purposes.

Mr. Sharp, pursuant to notice, introduced a bill, to be entitled "an act to authorize the probate court of Washington county, to appoint Riley Buchanan guardian of the minor heirs of Chambers Buchanan, deceased;"

Which was read a first time.

Mr. Lindsey introduced the following:

Resolved, That after Saturday next, this House will receive no new bills, until all the business on the Speaker's table is disposed of, before the day agreed on by both Houses to adjourn:

Which was lost.

The orders of the day were taken up.

The bill, entitled "an act to legalize the acts of the commissioners of the 16th section of township 1 north, ranges 11 and 12 west," was taken up, read a third time, and passed.

The bill entitled "an act for the relief of purchasers of the 500,000 acre donation, &c;" was read a third time, and on motion of Mr. Collins, referred to Messrs. Collins, Gentry, and Kelly.

The bill, entitled "an act to declare Antoine river navigable;"

Was taken up, read a third time and passed.

The bill from the Senate, entitled "an act to repeal an act authorizing a geological examination of the State of Arkansas;" was taken up, read a second time, and on motion of Mr. Croft, referred to a select committee, of Messrs. Croft, Matlock, Lindsey, Pettigrew, and Thompson.

The bill, entitled "an act declaring L'Anguille river, in St. Francis county, a navigable stream;" was taken up, read a third time and passed.

The bill from the Senate, entitled "an act to repeal an act entitled an act to authorize non-residents of this State, and others owning land and town lots in counties in which they shall not reside, to pay taxes upon such lands and town lots, directly into the State Treasury, if they shall prefer so doing:"

Was taken up, read a second time, and on motion of Mr. Brown, referred to the committee on ways and means.

The bill from the Senate, entitled "an act to authorize Wm. F. Moore and Richard Caile, administrators of the estate of Miller Irvin, dec'd, late sheriff and collector of taxes, in Phillips county, to collect certain taxes in said county;"

Was taken up and read a first time.

The bill, entitled "an act supplemental to an act for the election of school commissioners, and for the disposal of section 16, in township 13, of range 6 west;"

Was taken up, read a third time and passed.

The bill, entitled "an act amendatory to an act providing for the sinking of a salt well in Van Buren county, approved January 9th, 1845;" was taken up, read a second time, and on motion of Mr. Grimes, referred to the committee on internal improvements.

The bill, entitled "an act to require justices of the peace to certify the completion of improvements on donation claims, and for other purposes;" was taken up, read a second time, and on motion of Mr. Croft, referred to the committee on the judiciary.

On leave, Mr. Brown, from the commitree on the judiciary, made the following report:

Mr. Speaker—The standing committee on the judiciary to whom was referred the resolution of the last General Assembly, proposing sundry amendments to the constitution of this State, ask leave to report that they have, according to order, had the subject matter under consideration—that they have carefully examined and compared the resolution and proposed amendments referred, with the original on file in the office of Secretary of State; and they also find that the same have been duly advertised in all the newspapers in this State, as required by the constitution; and your committee therefore recommend the ratification and adoption of the said proposed amendments, to the constitution of this State.

Be it, therefore, resolved by the General Assembly of the State of Arkansas, That the amendments proposed by the last General Assembly of this State, to the constitution, be, and they are hereby ratified and adopted as a part of the constitution of the State of Arkansas.

R. C. S. BROWN, *Chairman.*

On motion of Mr. Gould, the rules of the House were dispensed with, and the proposed amendments to the constitution, read a third time.

In conformity with the constitution, which require the concurrence of two-thirds of the General Assembly, for the ratification of an amendment thereto, the roll was called and the amendments proposed by the last General Assembly, were unanimously adopted.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Alston, Anthony, Bell, Bennett, Billingsley, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Cromwell, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Missis ippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Griffin, Gould, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turman, Turner, Wells, Wiley, Williams, Woods, Woodward, and Mr. Speaker—70.

The joint resolution of Mr. Clarke, proposing certain amendments to the constitution, was taken up, read a second time, and on motion of Mr. Marshall, laid on the table until called up.

The bill entitled an "an act to repeal an act entitled an act to regulate rhe action of forcible entry and detainer," wes taken up, read a second time; and

On motion of Mr. Brown, referred to the committee on the judiciary.

The bill entitled "an act to change the mode of selecting grand jurors," was taken up, read a second time, and

On motion of Mr. Brown, referred to the committee on the judiciary.

The bill entitled "an act to authorize the probate courts of this State to appoint guardians for free persons of color, and for other purposes," was taken up, read a second time and referred to Messrs. Pettigrew, Bruton and Gaines.

The bill entitled "an act to declare the St. *F*rancis river, a navigable stream," was taken up, read a second time and ordered to be engrossed.

The bill entitled "an act to prescribe the powers and duties of the several attorneys who now are elected, or shall be elected hereafter for the several banks of this State, the State Bank and branches," was taken up, read a second time, and

On motion of Mr. Robinson, referred to the committee on banks.

The bill entitled "an act to repeal the 3d section, of the 130th chapter of the revised statutes, and for other purposes;" was taken up, read a second time, and

On motion of Mr. Pettigrew, laid on the table until the 23d instant.

The bill entitled "an act authorizing the guardian of the minor heirs at law of John H. McElfrish, deceased, to sell lands," was taken up, read a second time; and

On motion of Mr. Embree, referred to a committee of three, consisting of Messrs. Embree, Bertrand and Noland.

The bill entitled "an act to define the boundary line between the counties of Lafayette and Union," was taken up, read a third time and passed.

The bill "to repeal the 3d section of the 109th chapter of the revised statutes," was taken up, read a third time and passed.

The joint resolution of Mr. Patrick, proposing a certain amendment to the constitution, was taken up, read a second time; and

On motion of Mr. Noland, laid on the table, to be taken up, and referred with other proposed amendments.

The resolution of Mr. Collins, to rescind the resolution requiring counties to be called alphabetically, when bills, motions and resolutions are in order," was taken up, read and lost.

On motion of Mr. Noland, the House adjourned.

WEDNESDAY, November 18, 1846.

The House met pursuant to adjournment.

The Journal of the 16th and 17th inst's, were read and approved.

Mr. Croft was called to the chair.

Petitions from counties were in order.

Reports from standing committees were now in order.

Mr. Brown, from the committee on the judiciary, to whom was referred the resolution of Mr. Embree, reported that the subject matter thereof, had been reported in another bill on the subject of petit jurors.

Which report was laid on the table until to-morrow.

Mr. Brown, also, made the following report:

Mr. Speaker—The standing committee on the judiciary, to whom was referred the resolution, passed at the last session of the General Assembly, amendatory to the constitution, and which was presented to this House for ratification, have had the same under consideration, and instruct me to report that they deem further legislation in the matter inexpedient, inasmuch as the subject matter of the amendments proposed in said resolution, have been ratified by both Houses, and will, when signed by the Governor, be a part of the constitution of this State; they, therefore, recommend that said resolution be laid on the table until the 1st day of May next; and that this committee be discharged. R. C. S. BROWN, *Chairman.*

Mr. Crutchfield, from the committee on the judiciary, to whom the subject was referred, reported a bill to be entitled an act to separate the election of county and township officers from those of a political nature; which was read a first time.

Mr. Gould, from the committee on the judiciary, to whom was referred a bill entitled "an act to amend the 85th chapter of the revised statutes," reported the same back with the following amendments, viz: "strike out the 4th section," and the words "and five cents for each circular mile necessarily travelled in attending the courts," and recommended its passage so amended.

Laid on the table until to-morrow.

Mr. Fletcher, of Miss., from the committee on ways and means, to whom was referred a bill to be entitled "an act making appropriations to pay special Judges," reported the same back without amendment.

Laid on the table until to-morrow.

Reports from select committees were in order.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to amend the 69th chapter of the revised statutes, under the head of *garnishment*;" which is herewith submitted for the assent of the house.

The Senate have assented to the bill of the House, entitled "an act to collect the county and State tax for the counties of Jackson and White, for the year 1846."

Also, "an act to incorporate the Most Worshipful Grand Lodge of the State of Arkansas."

Which are herewith returned.

Mr. Hughes, from the select committee to whom was referred a bill to be entitled "an act to amend the 110th chapter of the revised statutes," reported in lieu thereof a bill to be entitled "an act for the relief of paupers."

Which was read a first time.

Mr. Embree, from the select committee, to whom was referred "a bill to authorize the guardian of the minor heirs at law of John H. McElfrish, to sell land," reported the same back without amendment, and recommended its passage.

Motions and resolutions were now in order.

Mr. Bell introduced the following:

Resolved, That the committee on the judiciary, be instructed to report "a bill to organize an eighth judicial circuit, and to arrange the several judicial circuits, and the times of holding courts; and also, to report a bill requiring the judges to interchange circuits, and hold courts for each other."

Mr. Gould moved to strike out so much of the resolution as related to arranging circuits;

Which was agreed to, and the resolution, so amended, adopted.

Mr. Crutchfield was called to the chair.

Mr. Brown gave notice that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to aid Isham Enlow, and Joseph Enlow."

Mr. Brown gave notice that on Friday next, he would ask leave to introduce a bill to extend the jurisdiction of Justices of the peace."

Mr. Matlock, pursuant to notice, introduced a bill entitled "an act for the relief of John O'Neal."

Which was read a first time.

Mr. Collins, pursuant to notice, introduced a bill entitled "an act for the preservation and protection of the rights and property of married women."

Which was read a first time.

Mr. Collins introduced the following:

Resolved, That the committee on apportionment be instructed to arrange the several judicial circuits; and also, the new circuit, to be called the 8th judicial circuit; which was adopted.

Mr. Gentry introduced the following:

Resolved, That the committee on internal improvement, are hereby instructed to enquire into the expediency of improving the navigation of the Ouachita river, from Camden to Arkadelphia; which was adopted.

Mr. Kearby gave notice that on Monday next, he would ask leave to introduce a bill to be entitled "an act to amend an act establishing the county of Dallas, approved January 1st, 1845."

Also, "an act to alter and define the line between the counties of Hot Spring and Clark."

Also, "an act to extend the duties of constables."

Mr. Garner, pursuant to notice, introduced a bill to be entitled "an act to repeal the 123d chapter of the revised statutes, and for other purposes;" which was read a first time.

Also, a bill entitled "an act to revive the 61st chapter of the revised statutes, under the head of fees."

Which was read a first time.

Mr. Alston, pursuant to notice, introduced a bill entitled "an act to pay the grand jurors and witnesses, in the county of Franklin."

Which was read a first time.

Mr. Croft introduced the following memorial:

Your memorialists, the legislature of the State of Arkansas, would most respectfully represent unto your honorable body, the propriety of Congress, donating to the State of Arkansas, each alternate section of land lying on the St. Francis river, to be used for the purpose of improving the navigation of said river.

Your memorialists would further represent, that the greater part of the lands lying on said river are subject to frequent inundations, which render them, at present, wholly worthless; but by improving the navigation of the river, a great portion of the land would be rendered fit for cultivation; which would greatly enhance the value of the lands belonging to the general government, and highly promote the interest of this State; which was read a first time.

Mr. Jett, pursuant to notice, introduced a bill to be entitled "an act to amend the law in relation to dower;"

Which was read a first time.

Mr. *Woods* introduced the following:

Resolved, That the committee on internal improvement be instructed to enquire into the expediency of appropriating a portion of the fund arising from the 500,000 acre donation, to the improvement of the navigation of the *Washita* river, from Arkadelphia to Rockport, a distance of about forty-five miles. Which was lost.

Mr. Embree introduced the following:

Resolved, That the committee on ways and means, be instructed to enquire into the expediency of imposing a State tax of two dollars on all civil suits brought in any of the courts of this State, and also, before justices of the peace; which was lost.

Mr. Farmer introduced the following:

Resolved, That this General Assembly proceed, on Monday next, at 11 o'clock, A. M., to elect one supreme judge, to fill the vacancy occasioned by the resignation of the Hon. Thomas J. Lacy, and one circuit judge for the first, fourth, fifth, and seventh judicial circuits; and one prosecuting attorney for each circuit; and that the Senate be requested to concur herein.

Which was laid on the table until to-morrow.

Mr. Newton gave notice that on Saturday next, or some future day, he would ask leave to introduce a bill to be entitled "an act to define the jurisdiction and regulate the proceedings of justices' courts, in cases of breaches of the peace."

Mr. Marshall, pursuant to notice, introduced a bill to be entitled "an act to repeal the 5th section of the 72d chapter of the revised statutes, under the head of *guardians and wards*."

Which was read a first time.

Mr. Robinson, pursuant to notice, introduced a bill to be entitled "an act to repeal the 39th section of the 79th chapter of the revised statutes."

Which was read a first time.

Mr. Tully gave notice that on to-morrow, he would ask leave to introduce "a bill concerning forfeited land."

Mr. Forrest, pursuant to notice, introduced a bill to be entitled "an act to revive the 26th and 27th sections of the revised code, under the head of justices of the peace, at pages 495 and 496."

Which was read a first time.

Mr. Forrest gave notice that on Friday, or some subsequent day, he would ask leave to introduce a bill to be entitled "an act to enforce collections due this State from sales of the 500,000 acres of land, sold heretofore, and for other purposes.

Mr. Dennis gave notice that on some future day, he would ask leave to introduce "a bill for the relief of Thomas Kirk, of Madison county."

Mr. Bertrand presented the following communication, together with the reports referred to therein:

Little Rock, Nov. 16th, 1846.

Hon. C. P. Bertrand,

Sir—Herewith I hand to you a report of the commencement and progress of the agricultural survey of South Carolina for 1843, by Edward Ruffin, agricultural surveyor of the State; and also, "an essay on calcareous manures," by Edward Ruffin. During my stay in Virginia, they were handed to me with a request to deposite them in some public library. The character of the works, as also the high reputation of the donor, suggests that they should be deposited in the State library. I, therefore, beg that you will present the same to the honorable General Assembly, now in session, and oblige

Your obedient servant.

PHILIP L. ANTHONY.

Which reports, on motion of Mr. Bertrand, were ordered to be deposited in the public library of the State of Arkansas.

Mr. King gave notice that on to-morrow, he would ask leave to introduce "a bill to define the line between the counties of Pulaski, Saline, Montgomery, and Perry."

Mr. Stotts introduced the following:

Resolved, That the committee on internal improvement, be instructed to enquire into the expediency of making an appropriation for the improvement of the navigation of the St. Francis river, from the Maumelle Prairie to the mouth of said river, out of the internal improvement fund of this State.

Which was lost.

Mr. Fletcher, of Pulaski, by leave, introduced a resolution proposing to build a dam across *F*ourche creek, in Pulaski county, Arkansas; which was lost.

Mr. Hughes, pursuant to notice, introduced a bill entitled "an act revising the 80th chapter of the revised statutes, in relation to *interest*."

Which was read a first time.

Mr. Bertrand was called to the chair.

Mr. Leslie, pursuant to notice, introduced a bill, to be entitled "an act to amend and enlarge the provisions of the 25th section of an act to provide for a system of common schools in this State, approved 3d *F*ebruary, 1843.

Which was read a first time.

Mr. Patrick introduced the following:

Resolved, by the General Assembly of the State of Arkansas, That the Secretary of State be instructed to transmit all resolutions and memorials to Congress, to our delegation there, so soon as duly authenticated.

Which was laid on the table until to-morrow.

Mr. Patrick, pursuant to notice, introduced a bill entitled "an act declaring Cache river, a navigable stream."

Which was read a first time.

Mr. Patterson introduced the following:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested to use their influence to obtain a donation to the State of all vacant lands now subject to inundation by the Mississippi river, within the limits of this State, to the end that the same may be reclaimed."

Which was laid on the table until to-morrow.

Mr. Rust, pursuant to notice, introduced "a bill to authorize purchasers of the 500,000 acre donation lands, to transfer certificates of the purchase of the same."

Which was read a first time.

Mr. Rust introduced the following:

Resolved, That the principal clerk of this House shall be authorized to employ another clerk, whose pay shall not exceed that of the present assistant clerk, to facilitate the business of this House, and to enroll bills."

Which was adopted.

Mr. Murphy gave notice that on to-morrow he would ask leave to introduce a 'bill for the relief of Richard Damm.'

Mr. Lindsay gave notice that on to-morrow he would ask leave to introduce "a bill to amend an act in relation to Billiard Tables, and Ten-pin alleys."

Mr. Sadler, pursuant to notice, introduced a bill to be entitled "an act for the collection of taxes in the county of Yell, for the year 1846."

Which was read a first time.

The orders of the day were taken up.

The bill entitled "an act to define and establish the road from Champagnole to the Louisiana line, &c.," was taken up, read a third time and passed.

The bill to be entitled "an act to authorize the administratrix of the estate of Robert S. Gibson, to sell land, &c.," was taken up, read a third time and passed.

The joint resolution instructing our Senators, and requesting our Reprensentative in Congress, to use their influence to obtain a donation of five hundred thousand acres of land to this State, for the purpose of completing the Memphis road, was taken up, read, and adopted.

The bill to be entitled "an act to regulate the redemption of county scrip," was taken up, read a third time and passed.

The bill from the Senate, entitled "an act to change the names of Alexander Lanphimier, and Samuel Lanphimier," was taken up, read a third time and passed.

The joint resolution instructing the committee on the Penitentiary to enquire into the expediency of changing the avocation of the convicts, was taken up, read, and lost.

Mr. Brown was called to the chair.

The bill to be entitled "an act to amend the 51st and 52d sections of chapter 130, in relation to roads and highways, was taken up, read a third time, and on motion of Mr. Rust, an amendment was proposed; which, together with the bill were, on motion of Mr. Kearby laid on the table until the 4th of March next.

The "bill to amend the 2d section of the 8th chapter of the Revised Statutes," was taken up, read a third time and lost.

Mr. Croft moved to reconsider the vote in relation to the change of the avocations of the convicts in the Penitentiary.

Which was sustained.

Mr. Collins moved to amend the original resolution by adding, "and also that said committee enquire into the expediency of employing the convicts on the public roads."

Which was adopted.

Upon the adoption of the original resolution as thus amended, Mr. Bertrand called for the ayes and nays, which were ordered, and the vote was in the affirmative 70, in the negative 1.

So the resolution as amended, was adopted.

The bill from the Senate to be entitled "an act to allow sheriffs credit on the Auditor's books for conveying convicts to the penitentiary," was read a first time.

On motion of Mr. Collins, the rules were dispensed with, and said bill was read a second and third time and passed.

The joint resolution instructing our delegates in Congress to use their influence to procure the establishment of a weekly mail route from Clarksville to Ozark was taken up, and adopted.

The joint resolution instructing our delegation in Congress to use their influence to procure the passage of a law to incorporate the army and navy of Texas with the army and navy of the United States, was taken up and read.

On motion of Mr. Collins, the above resolution was referred to a select committee of Messrs. Collins, Wiley and Patrick.

The resolution instructing the committee on apportionment "to adopt such a ratio in reporting their bill of apportionment as will reduce the number of the members of this House to sixty," was taken up and read.

Mr. Bruton offered to amend said resolution by inserting fifty-four in lieu of sixty.

Which was adopted.

Mr. Collins offered to amend further, by the insertion of the words 'and the members of the Senate to seventeen.'

Which was also adopted, and the resolution so amended, was adopted.

The bill entitled "an act to define the line between the counties of Montgomery and Polk," was read a second time, and on motion of Mr. Pettigrew, laid upon the table until the 4th July next.

The bill to be entitled "an act to change the manner of voting in this State, from *viva voce*, to voting by ballot," was taken up, and read a second time.

On motion of Mr. Stout, the House adjourned.

THURSDAY, November 19th, 1846

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Reports from standing committees were in order.

Mr. Fletcher of Mississippi, from the committee of ways and means to whom was referred the Senates' bill entitled "an act authorizing non-residents and others to pay their taxes directly into the State Treasury," reported the same back without amendment, and recommended its passage.

Mr. Brickey, from the select committee to whom was referred the bill entitled "an act to amend the 58th chapter of the Revised Statutes, under the head of 'estrays,' reported the same back without amendment, and recommended its passage.

Mr. Pettigrew, from the select committee to whom was referred the bill entitled "an act to authorize the probate courts of this State to appoint guardians for free persons of color," reported the same back without amendment, and recommended its passage.

Motions and resolutions were in order.

Mr. Brown, pursuant to notice, introduced "a bill for the relief of Isham Enlow, and Joseph Enlow."

Mr. Kearby, pursuant to notice, introduced a bill, to be entitled "an act to extend the duties of constables."

Which was read a first time.

Mr. Croft gave notice that on to-morrow he would ask leave to introduce "a bill to tax pedlars, and for other purposes."

Mr. Hill introduced the following:

"*Resolved*, That the committee on education be instructed to enquire into the expediency of distributing the proceeds arising from the sale of the 72 sections of land donated to the State for Common School purposes, to each county, according to population.

Which was adopted.

Mr. Noland gave notice that on some convenient day, he would ask leave to introduce "a bill for the relief of persons whose lands have been erroneously taxed."

Mr. Jeffrey, pursuant to notice introduced a bill to be entitled "an act to distribute the proceeds of the 500,000 acre donation among the several counties."

Which was read a first time.

Mr. Croft was called to the chair.

Mr. Embree introduced a joint resolution proposing an alteration of the Constitution, so as to decrease the number of members of the General Assembly.

Which, by rule, lies on the table one day.

Message from the Senate, by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled "an act for the relief of Pleasant M. Johnson, late sheriff of the county of Madison," with an amendment, to which the concurrence of the House is asked.

Also, "an act to establish the county of Drew."

Which are herewith returned.

The Senate have passed a bill to be entitled "an act to change the mode of voting from *viva voce*, to ballot."

Which is herewith submitted for the assent of the House.

Mr. Embree introduced a resolution to rescind the resolution requiring the counties to be called alphabetically on petitions: laid on the table until to-morrow.

Mr. Tully introduced a bill entitled "an act concerning forfeited land."

Which was read a first time.

Mr. Forrest introduced a bill entitled "an act for the relief of Thomas Rick."

Which was read a first time.

Mr. Bertrand introduced a bill entitled "an act supplementary to an act establishing the county of Prairie."

Which was read a first time.

The rules were dispensed with, the bill read a second time, and referred to a committee of Messrs. Crutchfield, Bertrand and Fletcher of Pulaski.

Mr. Lindsay introduced a bill entitled "an act to amend the law in relation to Billiard Tables, and Ten-pin alleys."

Which was read a first time.

By leave, Mr. King gave notice that on to-morrow he would ask leave to introduce "a bill for the relief of the sheriff of Perry county."

The orders of the day were taken up.

Mr. Bertrand, from the committee to whom was referred the bill entitled "an act for the relief of purchasers of the 500,000 acre donation," reported an amendment.

Which was adopted.

On motion of Mr. Bertrand, the rules were suspended, and the bill so amended read a second time, ordered to be engrossed, and referred to the committee on public lands.

The bill entitled "an act supplementary to the 44th chapter of the Revised Statutes," was read a second time, and on motion of Mr. Abraham, referred to the committee on the judiciary.

Mr. Brown, from the committee on the judiciary, to whom was referred the bill entitled "an act to repeal section 80, of chapter 4, of the Revised Statutes," reported against the passage of the same.

Which report was adopted, and the bill lost.

The report of Mr. Brown, from the committee on the judiciary, to whom was referred the bill entitled "an act to limit medical men in their charges," was taken up and adopted.

The bill to be entitled "an act to repeal the 28th section of the 12th chapter of the Revised Statutes," was read a third time.

Mr. Gould's amendment thereto, was read a first time.

The rules were suspended, and said amendment was read a second time.

On motion of Mr. Brown, said bill, so amended, was ordered to be engrossed, and read a third time to-morrow.

The report of Mr. Gould, from the committee on the judiciary, to whom was referred the bill to be entitled "an act to revive 39, 41, 42 and 45th sections of the 65th chapter of the Revised Statutes," was taken up and read.

Mr. Robinson moved to reject the report:

Which was lost, and the report adopted.

On motion of Mr. Robinson, the amendment to said report proposing to strike out the words '41, 42 and 45th sections,' the rules having been suspended, was read a third time and passed.

The report of Mr. Fletcher of Mississippi, from committee on the judiciary, to whom was referred the bill entitled "an act to change in part the manner of commencing suits in the circuit courts," amended by striking out the 2nd section, was read and adopted.

Mr. Speaker resumed the chair.

The bill entitled "an act to amend the law in relation to appeals from justices of the peace to the circuit courts," was read and adopted.

Mr. Embree's motion to lay on the table until the 4th July next the bill entitled an act to change the mode of voting from *viva voce* to ballot, was taken up.

Mr. Jett called for the yeas and days on the motion. which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Anthony, Bennett, Billingsly, Childers, Clements, Cromwell, Dunn, Embree, Fletcher of Mississippi, Forrest, Grimes, Hill, Hughes, Jeffrey, Jett, Kelly, Kendall, King, Kuykendall, Leslie, Lindsay, Marshall, Neill, Pettigrew, Ramsay, Robinson, Sadler, Stotts, Thompson, Tully, Turman, Wells, Williams and Wright—36.

Those voting in the negative, are

Messrs. Annis, Bell, Bertrand, Brickey, Brown, Bruton Buchanan, Burke, Clarke, Collins, Croft, Crutchfield, Dennis, Farmer, Featherston, Fletcher of Pulaski, Gentry, Griffin, Hammock, Halcomb, Kearby, Matlock, Mitchell, Murphy, Newton, Noland, Patrick, Sharp, Stout, Turner, Whittington, Wiley, Woods, Woodward and Mr. Speaker—35.

So the bill was laid on the table.

On motion of Mr. Stotts, the vote to lay the bill on the table was reconsidered.

Mr. Forrest called for the yeas and nays: which were ordered.

Those voting in the affirmative, are

Messrs. Abraham, Allston, Anthony, Bennett, Billingsly, Buchanan, Childers, Clements, Cromwell, Dunn, Embree, Fletcher of Miss., Forrest, Grimes, Hill, Hughes, Jeffry, Jett, Kelly, King, Kuykendall, Leslie, Lindsey, Marshall, Niell, Pettigrew, Ramsey, Robinson, Sadler, Stotts, Tully, Turman, Wells, Williams and Wright—36.

Those voting in the negative, are

Messrs. Annis, Bell, Bertrand, Brickey, Brown, Bruton, Burke, Clarke, Collins, Croft, Crutchfield, Dennis, Farmer, Featherston, Fletcher of Pulaski, Garner, Gentry, Gould, Griffiin, Hammock, Halcomb, Kearby, Matlock, Mitchell, Murphy, Newton, Noland, Patrick, Patterson, Sharpe, Stout, Thompson, Turner, Whittington, Wiley, Woods, Woodward, and Mr. Speaker—38.

So the motion to lay on the table was lost.

The bill from the Senate on the same subject, was taken up and read, and

On motion of Mr. Bertrand, substituted for that of the House.

On motion of Mr. Collins, the rules were suspended, and the said bill from the Senate read a second time, and referred to a committee of

Messrs. Collins, Croft, Bertrand, Wiley and Murphy.

The bill from the Senate entitled an act to authorize Wm. F. Moore and Richard Cail, as administrators of Miller Irvin, late sheriff of Phillips county, to collect certain taxes, was taken up and read a second time.

The joint resolution proposing a change of the Constitution in relation to sundry State officers, was read a third time, and

On motion of Mr. Noland, laid on the table liable to be taken up at any future time.

The bill to be entitled an act to authorize the probate court of Washington county to appoint Riley Buchanan guardian of the minor heirs of Chambers Buchanan, deceased, was taken up, read a second time, and

On motion of Mr. Gould, laid on the table for the present.

The joint resolution of Mr. Patrick, to go into an election of a judge and prosecuting attorney on Saturday next, at 12 o'clock, M., was read and adopted.

The bill entitled an act to repeal the 42d section of an act to establish a system of common schools, was read a second time, and referred to the committee on the judiciary.

A communication from his Excellency the Governor, on the subject of the Penitentiary convicts, now in the Pulaski county jail, accompanied by a communication from Thomas Parsell, keeper of said jail, was received by the hands of the Speaker, and

On motion of Mr. Embree, referred to the committee on ways and means, to report to-morrow.

The joint resolution in relation to applying the 500,000 acre donation to the common school fund, was read, and lost.

The bill to amend the law of divorce, was read a second time, and referred to the committee on the judiciary.

The bill entitled an act to declare Big-creek a navigable stream, was read a second time.

On motion of Mr. Bertrand, the House adjourned.

FRIDAY, November 20th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Reports from standing committees were in order.

Mr. Fletcher, of Mississippi, from the committee to whom was referred the communication of his Excellency the Governor, reported, recommending the immediate action of the General Assembly in the matter, and an appropriation to pay past and future expenses, to be made from the internal improvement fund.

On motion of Mr. Bertrand, the rules were dispensed with, the report read a second time, and concurred in.

Mr. Bertrand was called to the Chair.

Mr. Brown reported against the bill to change the mode of summoning jurors, and it was adopted, and the bill lost.

Mr. Woodward reported in favor of the bill to change the mode of action on forfeited delivery bonds.

Which was adopted, and the bill read a first time.

Reports from select committees were in order.

Mr. Collins, from the committee to whom was referred the bill of the Senate to be entitled an act to change the manner of voting, &c, reported the same back without amendment, and recommended its passage.

Which was laid upon the table until to-morrow.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act further to alter and amend the road laws.

Which is herewith transmitted for the assent of the Senate.

The Senate have concurred in the resolution of the House relative to changing the avocations of the convicts in the penitentiary. Also, in the bill of the House relative to the reduction of the number of members of the General Assembly.

Mr. Brown introduced a bill to extend the jurisdiction of justices of the peace. Read a first time.

Mr. Matlock gave notice, that on to-morrow he would ask leave to introduce a bill to extend the powers and duties of the officers of the State bank and branches.

Mr. Croft introduced a bill concerning pedlars.

Which was read a first time.

Mr. Brickey introduced the following:

Resolved, That the committee on banks be instructed to enquire into the expediency of appointing an agent for the State bank, and one for each of its branches, empowering and authorizing them to collect the debts due the bank in money, land, negroes and other property, at its appraised value, and of allowing such agents a per centum on all sums collected.

Which was adopted.

Mr. Turner introduced a bill entitled an act to elect members to the convention to frame a Constitution and system of government for the State of Arkansas.

Which was read a first time.

Mr. Robinson introduced a bill to repeal the latter part of section 1st of an act approved 3d February, 1843, under the head of abolishing imprisonment in civil cases.

Which was read a first time.

Also, a bill entitled an act to amend the 1st, 4th and 5th sections of the 102d chapter of the Revised Statutes, under the head of Ne Exeat.

Which was read a first time.

Also, a bill entitled an act to increase the number of objects or species of property subject to taxation.

Which was read a first time.

Mr. Speaker resumed the Chair.

Mr. Marshall introduced the following:

Resolved, That the Committee on ways and means be instructed to enquire into the expediency of reducing the salaries of judges and prosecuting attorneys, and of dispensing with the office of financial receiver.

Which was adopted.

Mr. Forrest introduced a memorial instructing our delegation in Congress to use their influence to procure the passage of a law donating all the vacant lands in Arkansas to the State.

Which was read a first time.

Mr. Woodward gave notice, that on Monday next he would ask leave to introduce a bill to incorporate the city of Camden.

Mr. Bruton introduced a bill to authorize the county courts to appoint justices of the peace to assess taxes for State and county purposes.

Which was read a first time.

Mr. King introduced a bill entitled an act to refund to William R. Hallford, late sheriff of Perry county, certain penalties paid by him, and to pay him for taking the census.

Mr. Stotts introduced a bill entitled an act to change the county line between Poinsett and St. Francis counties.

Which was read a first time.

Mr. Wiley gave notice that on Monday he would ask leave to introduce a bill entitled an act to define and specify the jurisdiction and powers of justices of the peace.

The joint memorial of the General Assembly for the relief of the volunteers of Searcy county, was read a first time.

Mr. Sadler introduced a bill entitled an act to provide for the survey and clearing out of a road from Little Rock to Fort Smith, on the south side of the Arkansas river.

Which was read a first time.

Mr. Gould introduced a resolution instructing the committee on the judiciary to enquire into the expediency of amending an act in relation to imprisonment in civil cases, approved 3d February, 1843.

Which was adopted.

The orders of the day were taken up.

The bill entitled an act to amend the first section of an act concerning limitations, approved December 14th 1844, was taken up, read a second time, and

On motion of Mr. Brown, referred to the committee on the judiciary.

The bill entitled an act to allow heads of families certain property in addition to what is now allowed by law, was taken up and read.

Sundry amendments were offered, and finally said bill and amendments were,

On motion of Mr. Dunn, laid on the table until the 1st of June next.

The bill entitled an act to change and define the line between the counties of Johnson and Newton, was taken up and read a second time.

Mr. Ramsey offered the following amendment:

Be it further enacted, That the line between the counties of Newton and Carroll shall be as follows, to wit: Beginning at the south-east corner of Carroll county and running thence due north to the township lines between 17 and 18 north, thence west to the Blue mountain, thence due south to the old line dividing the counties of Carroll and Newton, thence west on the said line to the Madison county line.

Which was read a first time.

On motion of Mr. Forrest, the rules were suspended, and said amendment read a second time.

On motion of Mr. Gould, the bill and amendment were referred to the committee on counties and county lines.

The bill to be entitled an act to amend the road law, read a second time and laid on the table until Monday next.

The bill to be entitled an act to amend the 11th section of the 4th article of the Constitution, was taken up, read, and laid on the table until the first day of August next.

Mr. Anthony, from the committee on enrollment, reported an act to incorporate the town of Arkadelphia. Also,

An act for the relief of Wm. M. H. Newton. Also,

An act to define the line between the counties of Crawford and Washington. Also,

An act to establish the county of Prairie. Also,

An act to change the name of James F. Reaves, of Bradley county, correctly enrolled, and submitted the same.

The bill from the Senate entitled an act to change the manner of voting from *viva voce* to voting by ballot, was taken up and read a third time.

Mr. Clements moved to amend by inserting "and be it further enacted, that Marion county be exempt from the provisions of this act."

Mr. Embree moved to lay the bill and amendment on the table until the 4th of July next.

Which was lost.

The amendment of Mr. Clements was laid indefinitely on the table.

The question then arose upon the final passage of the bill.

Mr. Fletcher of Mississippi, called for the yeas and nays: which were ordered.

Those voting in the affirmative, are

Messrs. Annis, Anthony, Bell, Bennett, Bertrand, Billingsley, Brickey, Brown, Bruton, Buchanan, Burke, Clarke, Collins, Croft, Crutchhfield, Dennis, Dunn, Farmer, Featherston, Fletcher of Pulaski, Garner, Gentry, Gould, Griffin, Hammock, Halcomb, Kearby, King, Matlock, Murphy, Newton, Noland, Patrick, Patterson, Sharpe, Stout, Thompson, Turner, Wiley, Woods, Woodward and Mr. Speaker—42.

Those voting in the negative, are

Messrs. Abraham, Alston, Childers, Clements, Cromwell, Cross, Embree, Fletcher of Mississippi, Forrest, Grimes, Hill, Hughes, Jeffrey, Jett, Kelly, Kendall, Leslie, Lindsey, Marshall, Mitchell, Niell, Pettigrew, Ramsey, Robinson, Sadler, Stotts, Tully, Turman, Wells, Whittington, Williams, and Wright—32.

So the bill passed.

On motion of Mr. Bertrand, the House adjourned.

SATURDAY, November 21st, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Mr. Fletcher of Pulaski, presented the petition of Chester Ashley, and other citizens of the county of Pulaski, praying the passage of a special act granting leave to those interested to construct a levee across some of the mouths of La Fourche, to prevent overflow: which,

On motion of Mr. Fletcher of Pulaski, was referred to a select committee of

Messrs. Fletcher of Pulaski, Gentry and Farmer.

Mr. Bertrand presented several petitions from the counties of Pulaski, White, Monroe and St. Francis, praying the establishment of a county to be known and called Taylor county: which,

On motion of Mr. Bertrand, were referred to the committee on counties and county lines.

On motion of Mr. Bertrand, Messrs. Tully and Crutchfield were added to said commmittee.

Reports from standing committees were now in order.

Mr. Fletcher of Mississippi, from the committee on the judiciary, to whom was referred a bill entitled an act to amend the 106th section of the 4th chapter of the Revised Statutes, under the head of Administration, reported a substitute with the same caption.

Mr. Woodward, from the committee on the judiciary, to whom was referred a bill entitled an act to repeal the 42d section of an act to establish a system of common schools in Arkansas, reported the same back without amendment, and recommended its passage.

Mr. Brown, from the same committee, to whom was referred a bill entitled an act supplementary to the the 44th chapter of the Revised Statutes, reported the same back, and recommended its passage after striking out the words "by the grand jury," in the 1st section of said bill.

Mr. Murphy, from the same committee, to whom was referred a bill entitled an act to amend the 6th section and to repeal the 7th section of the 61st chapter of the Revised Statutes, reported a substitute.

Messrs. Bertrand and Gould, from the same committee, to whom was referred the duty of reporting a bill to establish the 8th judicial circuit, reported an act for that purpose.

Which was read a first time.

Reports from select committees were in order.

Mr. Croft, from the select committee, to whom was referred the bill from the Senate to repeal an act authorizing a geological examination of this State, reported against this House assenting to said bill.

Mr. Jett from the select committee to whom was referred the petition of sundry citizens of Hempstead county, praying the incorporation of the Baptist Church, called Mount Zion, reported a bill for that purpose.

Mr. Crutchfield from the select committee to whom was referred the bill entitled "an act supplementary to an act to establish the county of Prairie," reported the same back with an amendment, and recommended its passage as amended.

Motions and resolutions were in order.

Mr. Clarke gave notice that on Monday next, he would introduce a bill to anthorize the administrator of William Bonnett, deceased, to convey land.

Mr. Clarke introduced a joint resolution instructing our delegation in Congress, to use their influence to have the compact between the United States and this State, so modified that the salt springs granted this State, may be either leased or sold:

Which was read a first time.

Mr. Clarke introduced a joint resolution requesting our delegation in Congress, to use their influence for the extension of the franking privilege in certain cases:

Which was read a first time.

Mr. Clarke inrroduced a joint resolution instructing and requesting our delegation in Congress, to endeavor to procure the printing and general distribution of all the agricultural statistics and information, which is collected annually in the patent office:

Which was read a first time.

Mr. Brown introduced a joint resolution instructing our delegation in Congress, to endeavor to procure a modification in certain particulars, in the compact between the United States and this State:

Which was read a first time.

Mr. Brown was called to the chair.

Mr. Matlock introduced the following:

Resolved, That the committee on apportionment report progress, and how soon they will be able to report fully in certain particulars:

Which was adopted.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the following bills, viz:

"An act making appropriations to pay arrearages."

Also, "a memorial to Congress praying the grant of certain lands, for the purpose of improving the navigation of certain rivers in this State."

Also, "a memorial to Congress praying permission for any person to settle on any of the public land, and to hold the same by pre-emption, if less than 160 acres."

Also, "a memorial to our delegation in Congress, for the establishment of a weekly mail route, from Marion to Walnut camp;"

All of which are herewith respectfully transmitted, for the assent of the House.

The Senate have assented to the bill of the House, entitled "an act to define the boundary line between the counties of Lafayette and Union."

Also, "an act to declare Antoine river navigable."

The Senate have concurred in the resolution of the House, authorizing the Governor to appoint a special agent to collect certain notes therein specified:

All of which are herewith returned.

Mr. Garner introduced a resolution instructing the committee on the judiciary, to inquire into the expediency of passing a law to punish slaves, for offences for which, they are not now punishable by law:

Which was adopted.

Mr. Wells introduced a resolution to prevent the adjournment of the House before one o'clock; which was laid on the table until to-morrow.

Mr. Dunn introduced a resolution requesting the land agent of the 500,000 acre donation, to report to the House, without delay, the amount of land sold and the amount received for the same, the amount still due the State, and the amount of land unsold:

Which was adopted.

Mr. Croft gave notice that on Monday next, he would introduce a bill in relation to solemnizing the rights of matrimony, and for other purposes.

Mr. Jett gave notice that on Monday next, he would introduce a bill allowing appeals from the county to the circuit courts.

Mr. Embree introduced the following:

Resolved, That the committee on Banks report progress:

Which was adopted.

Mr. Forrest introduced a bill to lay out a road from the Missouri line, near Washburn prairie, to Washington, in Hempstead county; thence to intercept the old road from New Madrid, to Texas, which road shall be under the name and style of a State road for the use of the State of Arkansas:

Which was read a first time.

Mr. Forrest introduced the following:

Resolved, That there be a select committee appointed to inquire into the expediency of the proposed amendments to the constitution, and report without delay:

Which was adopted.

Mr. Clements gave notice that on Monday next, he would introduce a bill to change the line between the counties of Marion and Carroll, and for other purposes.

Mr. Woodward gave notice that on Monday, he would introduce a bill, to amend the 47th section of the 60th chapter of the revised statutes.

Mr. Annis introduced a bill to be entitled "an act to amend and revive an act, granting a charter to George W. Lemoyne, to erect a toll-bridge across Petit Remove Creek, in Conway county; approved November 25, 1846:

Which was read a first time.

On motion the rules were dispensed with, and said bill read a second and third time and passed.

Mr. Kelly introduced a resolution in relation to changing the southern boundary of Pike county:

Which, on motion, was referred to Messrs. Kelly, Hill, and Jett.

Mr. King, pursuant to notice, introduced a bill entitled "an act to define the boundary lines between the county of Perry and the counties of Pulaski, Saline, and Montgomery:"

Which was read a first time.

On motion the rules were dispensed with and said bill read a second time, and referred to a select committee of Messrs. Fletcher of Pulaski, King, and Grimes.

Mr. Patrick introduced a preamble and resolution instructing the committee on banks, to inquire into the expediency of discontinuing the agencies of the several branches, and concentrating all their assets at the principal bank, for the purpose of liquidation:

Which was adopted.

Mr. Sharpe introduced a joint resolution instructing our delegation in Congress, to endeavor to procure the passage of a law for the relief of the volunteer company raised in Washington county;

Which was laid on the table until Monday.

Mr. Billingsley introduced the following:

Resolved, That the committee on the Penitentiary be requested to report to this House, as soon as possible;

Which was adopted.

Mr. Sadler introduced the following:

Resolved, That all the standing committee be requested to report to this House, without delay, in order that an adjournment may be effected, as soon as possible:

Which was adopted.

The bill, entitled "an act to authorize Henry F. Bone, administrator of James Bone, dec'd, to sell certain slaves and real property;"

Was taken up, read a third time and passed.

The bill, entitled "an act to repeal the 4th section of the 99th chapter of the revised statutes;"

Was taken up, read a second time, and ordered to be engrossed.

The bill, entitled "an act to repeal the 28th section of the 12th chapter of the revised statutes:"

*W*as read a third time and passed.

The report made on yesterday, by Mr. *W*ells, in relation to regulating the price and sales of the public lands, was taken up and adopted, and the bill as amended by said committee in the report, was read a first time.

*T*he bill, to be entitled "an act to change in part the manner of commencing suits in the circuit courts of this State," as amended by the judiciary committee;

Was read a third time and passed.

The bill, entitled "an act to exempt the Little Rock Fire Company from serving on juries, or doing militia duty;"

*W*as read a second time and ordered to be engrossed.

The report of Mr. Gould from the judiciary committee to whom was referred a bill, entitled "an act to amend the 85th chapter of the revised statutes," proposing an amendment thereto, was taken up and adopted, and read a first time.

On motion of *M*r. Noland, the rules were suspended, and said bill as amended, read a second time and ordered to be engrossed.

The bill, entitled "an act for the preservation and protection of the rights and property of married women;"

Was read a second time, and on motion of Mr. Collins, referred to the committee on the judiciary.

The bill, entitled "an act to separate the election of county and township officers from those of a political nature;"

Was taken up and read a second time, and on motion of Mr. Embree, was laid on the table indefinitely.

The bill, entitled "an act for the relief of John O'Neal," was taken up, read a second time, and on motion of *M*r. *M*atlock, referred to Messrs. Matlock, Dennis, and Thompson.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a joint resolution authorizing the executive of this State, to have documents from the executive department, printed in any papers in this State;

Which is herewith transmitted for the concurrence of the House.

The Senate have passed by the constitutional majority, the joint resolution of this General Assembly, appointing a committee to let out the public printing to the lowest bidder, notwithstanding the veto of the Governor;

Which is herewith transmitted for the action of the House.

The bill, entitled "an act to repeal the 123d section of the revised statutes, and for other purposes," was taken up, read a second time and on motion of Mr. Crutchfield, referred to the committee on the judiciary.

The bill, entitled "an act to revive the 61st chapter of the revised statutes, under the head of fees;"

*W*as read a second time, and on motion of Mr. Gould, was referred to the committee on the judiciary.

The bill, entitled "an act to pay off grand jurors and witnesses, in Franklin county;"

Was taken up and read a second time.

Mr. Embree moved to amend by adding the words "also Jefferson county;"

Which amendment was accepted.

Mr. Crutchfield moved to amend further by adding the words "and Pulaski county."

Mr. Patrick offered a still further amendment, as follows, to wit:

"And also, that all parties so summoned as jurors and witnesses, shall be entitled to pay out of the county treasury, for the amount they may necessarily pay out for crossing any ferry or toll bridge in this State."

On motion of Mr. Alston, said bill with the amendments was referred to a select committee of Messrs. Alston, Crutchfield, Embree, Patrick and Patterson.

*T*he bill, to be entitled "an act to authorize and empower purchasers of the 500,000 acre donated lands, to transfer and assign certificates of purchase of the same;"

*W*as taken up, read a second time, and on motion of Mr. Fletcher of Mississippi, was referred to the committee on the public lands.

*T*he following joint resolution, to wit:

Resolved, That our Senators in Congress be instructed, and our Representative requested, to use their influence to procure a donation to this State, of all the lands on or within the limits of this State, on the borders of the Mississippi river, subject to overflow, to the end that the same may be reclaimed;

*W*as taken up, read a third time and adopted.

The bill, entitled "an act to amend the 25th section of an act to establish a system of common schools;"

*W*as taken up, read a third time, and referred to the committee on education.

The bill, to be entitled "an act for the collection of county, levy, and revenue taxes, for the county of Yell, for the year 1846;"

*W*as taken up, read a second time, and on motion of Mr. Crutchfield, ordered to be engrossed, and read a third time on Monday next.

Mr. Croft was called to the chair.

On motion of Mr. Gould, the message from the Senate in regard to the passage by a constitutional majority of the joint resolution of the General Assembly, appointing a committee to let out the public printing to the lowest bidder, notwithstanding the veto of his Excellency, Thomas S. Drew;

Was taken up and read.

On motion of Mr. Noland, the House adjourned until Monday morning next, at 9 o'clock, A. M.

MONDAY, November 23, 1846.

The House met pursuant to adjournment.

The Journal of Saturday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Bertrand was called to the chair.

Mr. Kearby presented the petition of William F. S. Barkman, and other citizens of Dallas county, praying certain territory belonging to said county, to be annexed to to the county of Clark; which,

On motion of Mr. Kearby, was referred to the committee on counties and county lines.

Mr. Brown presented the petition of E. G. Cower, and other citizens of Crawford county, in relation to certain land purchased of the State; which,

On motion of Mr. Brown, was referred to a select committee, consisting of Messrs. Brown, Clarke, Bell, Billingsly, and Kuykendall.

Reports from standing committees were in order.

Mr. Fletcher, of Miss., made the following report:

Mr. Speaker—The committee of ways and means, to whom was referred the resolution, instructing them to enquire into the propriety of reducing the salaries of the judges and prosecuting attorneys, have had the subject under consideration, and instruct me to report that they consider such proposed reduction inexpedient.

They ask to be discharged from the consideration respecting the propriety of dispensing with the office of Financial Receiver, and recommend that the subject be referred to the committee on banks.

Which was adopted.

Mr. Gould, from the committee on the judiciary to whom was referred a bill to be entitled an act to require justices of the peace to certify the completing of improvements, upon donation claims, and for other purposes, reported a substitute;

Which report was adopted, and said substitute read a first time.

Reports from select committees were now in order.

Motions and resolutions were in order.

Mr. Croft gave notice that on to-morrow, he would ask leave to introduce a bill to repeal the 20th, 21st, and 22d sections of the 39th chapter of the revised statutes, under the head of county seats, so far as the same relates to the county of Arkansas.

Mr. Gould introduced, pursuant to notice, a bill to be entitled "an act to divide the proceeds of the sale of the 500,000 acres of land donated to this State for internal improvements among the several counties."

Which was read a first time.

Mr. Clarke, pursuant to notice, introduced a bill to be entitled "an act authorizing the administrator of William Barnett, *alias* William D. Barnett, dec'd, to convey certain lands.

Which was read a first time.

Mr. Turman introduced a joint resolution, instructing our Senators and requesting our Representatives in Congress, to procure the establishment of a mail to be carried tri-weekly, in two horse post-coaches from Batesvile, in Independence, to Fayetteville in Washington county.

Mr. Collins introduced the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That the Governor appoint three commissioners, whose duty it shall be, after giving thirty days notice, in all the papers published in this State, to receive sealed proposals for the rebuilding of the penitentiary, with the assistance of the convicts.

Mr. Croft, pursuant to notice, introduced a bill to be entitled "an act to require clerks of the county courts, to issue marriage license;"

Which was read a first time.

Mr. Mitchell gave notice that on some future day, he would introduce a bill for the relief of Littleberry Sadlock, and for other purposes.

Mr. Croft gave notice that on to-morrow, or at some future day thereafter, he would ask leave to introduce a bill in relation to the mode of selecting grand jurors, and for other purposes.

Mr. Embree introduced the following:

Resolved, That no new bill (except from committees) be introduced in this house after Monday next, unless by permission of two-thirds of the members.

Which was laid on the table until to-morrow.

Mr. Embree's resolution to dispense with the rule of the house, calling the counties in alphabetical order, was read a first time, and laid upon the table until to-morrow.

Mr. Robinson gave notice that on Monday next, or some other day thereafter, he would ask leave to introduce a bill to amend the 47th section of the 60th chapter of the revised code, under the head of executions.

Mr. Maashall introduced a bill to be entitled an act to define the jurisdiction and regulate the proceedings of justices courts, in cases of breaches of the peace.

On suggestion of Mr. Brown, said bill was laid over until the Governor puts his signature to the proposed amendments to the constitution.

The following message from the Senate, was received by the hands of John M. Ross, secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a resolution of the House of Representatives, instructing our delegation in Congress, to procure the passage of a law, donating to the State of Arkansas 500,000 acres of land, for the purpose of completing the military road from Memphis to L. Rock.

Which is herewith returned.

The Senate have passed a bill to be entitled an act to amend an act to incorporate the Little Rock Bridge Company, approved Dec. 24th, 1844.

Also, "an act to repeal chapter 62d, under the head of ferries; and chapter 150, under the head of toll bridges, in the revised statutes, and for other purposes."

All of which are herewith transmitted for the assent of the House of Representatives.

Mr. Tully gave notice that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to provide against fire hunting at night."

Mr. Forrest asked leave of absence for Mr. Dunn, on account of illness: which was granted.

Mr. Clements, pursuant to notice, introduced a bill to be entitled "an act to more fully define the county line between the counties of Marion and Fulton;" which was read a first time.

Mr. Fletcher, of Mississippi, introduced a joint resolution instructing our Senators and requesting our Representative in Congress, to vote for an act granting to the State of Arkansas, certain tracts of land unappropriated, and subject to inundation by the Mississippi Arkansas, White and St. Francis rivers.

Mr. Woodward, pursuant to previous notice, introduced a bill to entitled "an act to incorporate the City of Camden."

Which was read a first time.

On motion of Mr. Gould the rules were dispensed with, and the bill read a second time.

On motion of Mr. Kearby, the rules were again dispensed with, and said bill read a third time and passed.

Mr. Crutchfield introduced a preamble and joint resolution, to dispense with the office of land agent, and merge the same in the office of Secretary of State.

Mr. Kelly introduced the following:

Resolved, That the public printer be instructed to publish in his paper all laws of a general nature, passed by the present General Assembly, at as early a period as possible after their passage.

Mr. Billingsly introduced the following:

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative in Congress requested, to use their best exertions to procure the passage of a law establishing in our State, a western district including the Indian country, and therein establish, at Van Buren, a U. States District Court.

Mr. Stout gave notice that on some convenient day, after to-morrow, he would ask leave to introduce a bill to be entitled "an act to define the powers and duties of justices of the peace."

The message from the Senate, in relation to the public printing, was taken up and read.

Mr. Rust moved that the Governor's message with the resolution, be laid upon the table until the committee on public printing could so change their contract with the public printer, as not to make it obligatory upon the Executive, or any of the State departments, to have the printing of the Executive proclamations and documents of these departments, necessary to be printed by said public printer, and that the committee have leave now to make such alterations in the contract, and be required to report to day.

The question was called upon the adoption of said resolution,

Mr. Bertrand called for the yeas and nays, which were ordered and the rolled called.

Those voting in tho affirmative, are

Messrs. Alston, Anthony, Bell, Billingsly, Bruton, Buchanan, Childers, Clarke, Croft, Cromwell, Cross, Crutchfield, Dennis, Farmer, Featherston, Forrest, Garner, Gentry, Griffin, Grimes, Hammock, Jeffrey, Kelly, King, Kuykendall, Leslie, Lindsay, Marshall, Matlock, Mitchell, Neill, Newton, Patterson, Pettigrew, Ramsay, Sadler, Sharp, Stotts, Stout, Thompson, Turner, Wells, Williams, Wright, and Mr. Speaker—46.

Those voting in the negative, are

Messrs. Abraham, Annis, Bennett, Bertrand, Brickey, Brown, Burke, Clements, Embree, Fletcher, of Mississippi, Fletcher, of Pulaski, Gould, Halcomb, Hughes, Jett, Kearby, Kendall, Murphy, Noland, Patrick, Robinson, Turman, Whittington, Wiley, Woods and Woodward—26.

So said resolution was adopted.

The bill from the Senate, entitled "an act to amend the 69th chapter of the revised statutes, under the head of garnisment, was read a first time."

On motion of Mr. Collins, the rules were dispensed with, and the bill read a second time.

And on further motion of Mr. Collins, referred to the committee on the judiciary.

Mr. Collins was called to the chair.

The "memorial to Congress asking the donation of certain lands," lying and situate upon the St. Francis river, in the State of Arkansas, was taken up and read a second time.

The bill entitled "an act to establish the 8th judicial circuit," was taken up and read a second time; and,

On motion of Mr. Croft, referred to the committee on apportionment.

The substitute for a bill to be entitled "an act for the relief of paupers," referred to the committee on the Judiciary, was taken up and read a second time, and ordered to be engrossed and read a third time on to-morrow.

The bill to be entitled "an act authorizing the guardian of the minor heirs at law of John McElfrish, deceased, to sell lands,"

Was read a third time and passed.

The joint resolution instructing the Secretary of State to transmit authenticated copies of all memorials and resolutions to the Congress of the United States, to our delegation in Congress, so soon as they may pass the General Assembly, and received the signature of the Speaker of the House of Representatives, the President of the Senate, and the approval of the Governor.

Was taken up and adopted.

The bill to be entitled "an act to amend the law in relation to dower," was read a second time; and,

On motion of Mr. Annis, was referred to the committee on the judiciary.

Mr. Brown, from the committee on the judiciary, to whom the resolution of Mr. Embree, in regard to the mode of selecting grand and petit jurors, was referred, reported

That the subject matter contained in said resolution, had been adopted on another bill in the subject of petit jurors.

Which report was adopted, and said resolution laid on the table.

Mr. Embree moved an adjournment; which was lost.

Messrs. Gould and Bertrand, the committee appointed to wait on the public printer, and convey the sense of this House as set forth in the resolution heretofore adopted; reported,

The committee on public printing, in discharge of the duties imposed by a resolution this day adopted, have called upon Mr. Borden, the public printer, and he directs the committee to report, that he is not disposed to change or in any manner modify his contract for the public printing; that the change contemplated will take from him the most profitable part of his contract, as in consideration of that portion of the printing mentioned in the resolution, he was induced to bid for the printing of the laws and journals at a very reduced rate; that he is now, and has always been ready, to execute his bond with good security, for the faithful execution of the public printing.

The following message was received from Senate, by the hands of J. M. Ross, Esq., secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have proceeded to sign the amendments to the constitution of this State, and have instructed me to lay said amendments before your honorable body, and recommend that the members of the House of Redresentatives sign the same."

Which said amendments were laid before the House and signed by the members thereof.

On motion of Mr. Annis, the House adjourned.

TUESDAY, November 24th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Wells asked leave of absence for Mr. Clements, which was granted.

Petitions from counties were in order.

Mr. Cromwell presented the petition of Thomas Nugrees and divers others, citizens of Jackson county, praying a relief as purchasers of certain lands lying in township 14 north, of range 2 west, a part of the 500,000 acre donation given for internal improvement purposes.

Reports of standing committees were in order.

Mr. Collins, from the committee to whom was referred the bill to be entitled "an act to establish the eighth judicial circuit," reported the same back to the House without amendment, and recommended its passage.

Mr. Anthony, from the committee on enrollment reported, "I am instructed by the committee on enrollment to report the following bills correctly enrolled, to-wit:

" An act to incorporate the Most Worshipful Grand Lodge of Ancient York Masons of the State of Arkansas, and its masonic jurisdiction.

And a resolution instructing our Representatives to use their efforts to procure the passage of a law graduating the prices of public lands.

Which are herewith returned.

Mr. Anthony from committee, made further report as follows, to-wit:

Mr. Speaker—I am instructed by the committee on enrollments to report the following bills and resolutions correctly enrolled, to-wit:

"An act declaring Antoine river navigable."

"A resolution instructing to procure a mail route from Elizabeth to Gainesville, in Green county."

A resolution instructing his Excellency to employ an agent to collect notes executed to this State under the act of 31st of December, 1842.

A "resolution instructing our Representatives to establish a mail route from Searcy, White county to Helena, twice a week."

Reports from select committees were in order.

Mr. Matlock, from the select committee to whom was referred a bill entitled "an act for the relief of John O. Neal," reported that said committee had had the same under consideration, and reported the same back to the House without amendment and recommend its passage.

Mr. Hill, from the select committee to whom was referred a resolution to enquire into the expendiency of changing the southern boundary line of Pike county, so as to include a part of the territory of Hempstead county, reported that the same had received their deliberate consideration, and that it would be inexpedient so to change said line.

Motions and resolutions were in order.

Mr. Cross, pursuant to notice, introduced a bill to be entitled "an act to repeal the 20th, 21st and 22d sections of the 39th chapter of the Revised Statutes, under the head of county seats, so far as the same relates to the county of Arkansas."

Which was read a first time.

Mr. Kuykendall gave notice that he would ask leave on to-morrow or at some future day, to introduce a bill to attach certain territory to the county of Conway.

Mr. Clarke introduced the following:

Resolved, That upon the concurrence of the Senate herein, we proceed to the election of one Judge of the supreme court, and the Judges and Prosecuting Attornies of the several judicial circuits of the State on next Saturday, and the concurrence of the Senate is respectfully requested.

Mr. Collins introduced the following:

Resolved, The committee on judiciary be instructed to enquire into the legality of the confinement of the convicts heretofore sentanced to the State Penitentiary in the Jail of Pulaski county, and report as early as convenient to the House.

Which was adopted.

Mr. Kearby, pursuant to notice, introduced a bill to be entitled "an act to apportion a part of the debt of Clark county to the county of Dallas."

Which was read a first time.

Mr. Dunn, pursuant to notice, introduced a bill to be entitled "an act supplementary to an act approved February 3d, 1843, for the better organization of the militia of this State."

Which was read a first time.

Mr. Croft, pursuant to notice, introduced a bill to be entitled "an act to change the mode of selecting grand jurors, and other purposes."

Which was read a first time.

The following message from the Senate was received by the hands of J. M. Ross Esq., secretary.

"*Mr. Speaker*—I am instructed to inform your honorable body, that the Senate have assented to the resolution of the House of Representatives requesting our Senators and Representative in Congress to unite their efforts to procure the mail to be carried at least twice a week from New Madrid, in Missouri, to the City of Memphis, by way of Hickman's Bend, Mill Bayou, Oceola, Pecan Point, Frenchman's Bayou, Oldham and Marion, in the State of Arkansas."

"Also, to the resolution of the House of Representatives, instructing our Senators, and requesting our Representative in Congress to use their exertions to procure the establishment of a weekly mail route by horse conveyance from Clarksville, in Johnson county, by way of Samuel Farmer's settlement, from thence to Francis R. Jones, in the north fork of Mulberry, and to intersect the route from Ozark to Huntsville, at Saint Paul on the head of White river, a distance of some sixty miles.

Which are herewith returned.

The Senate have passed a bill to be entitled "an act to change the venue in the case of the State of Arkansas vs. Solomon I Brandenburg, from the county of Desha to the county of Phillips.

Also, "an act to provide for revising and digesting the Statute Laws of Arkansas."

Also, "an act to amend the laws in relation to the election of presiding judges of the county courts in this State."

Also, "an act to alter and amend the 14th section of an act to establish the county of Dallas."

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to a bill of the House of Representatives entitled "an act to amend the law in relation to appeals from justices of the peace to the circuit courts."

Which is herewith returned.

Mr. Croft gave notice that he would ask leave on Saturday next or at some future day, to introduce a bill to establish the county of Ashley.

Mr. Jett, pursuant to notice, introduced a bill to be entitled "an act allowing appeals from the county to the circuit court."

Mr. Turner gave notice that on to-morrow he would introduce a bill for the relief of certain citizens of Pope county..

Mr. Forrest, pursuant to notice, introduced a bill to be entitled "an act to provide for the collection of debts and internal improvement fund, and for the distribution of said fund among the several counties."

Which was read a first time.

Mr. Bruton gave notice that on to-morrow or some convenient time thereafter, he would ask leave to introduce a bill to call in the Branches of the State Bank of the State of Arkansas, and other purposes.

Mr. Wiley, pursuant to notice, introduced a bill to be entitled "an act to define and specify the jurisdiction and power of justices of the peace."

Which was read a first time, and on motion of Mr. Wiley the rules were dispensed with, and the bill read a second time; on further motion of Mr. Wells, said bill was referred to the committee on the judiciary.

Mr. Brown was called to the chair.

Mr. Anthony introduced the following joint resolution, to-wit:

Resolved, by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested, to use their endeavors to obtain a mail route from the town of Gainesville, in Green county, crossing Black river at Gherhy's ferry, crossing Current river at Duckworth's ferry, from thence by James Martin's, crossing the St. Louis and Little Rock road on Fourchedumas, from thence by Doctor James Ferrots and the Medical Springs intersecting ~~Richwoods~~ route at the office of Charles Hatcher Esq., on Eleven Point river.

Mr. Patterson gave notice that on to-morrow or as soon thereafter as practicable, he should ask leave to introduce a bill to be entitled "an act to amend an act entitled an act regulating the action of forcible entry and detainer, approved January 10th, 1845."

Mr. Alston, (by leave) from the Senate committee to whom was referred a bill to be entitled "an act to pay jurors and witnesses, reported a substitute, which said report was adopted and said substitute read a first time."

Mr. Speaker resumed the chair.

The resolution from the Senate appointing a committee to receive bids for the Public Printing, was taken up and read.

Mr. Crutchfield moved to lay the resolution of the Senate on the table until the 4th of July next.

Mr. Brown was called to the chair.

Mr. Embree call for the yeas and nays.

Mr. Speaker resumed the chair.

The roll was called.

Those in the affirmative, are

Messrs. Anthony, Billingsly, Brown, Bruton, Buchanan, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Farmer, Featherston, Forrest, Garner, Gentry, Griffin, Grimes, Hill, Jeffrey, Kelly, King, Kuykendall, Lindsay, Newton, Pettigrew, Ramsey, Sharp, Stotts, Tully, Turner, Wells, Wiley, Williams, Wright and Mr. Speaker—37.

Those in the negative, are

Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Brickey, Burke, Childers, Clarke, Collins, Embree, Fletcher of Mississippi, Fletcher of Pulaski, Gould, Hammock, Halcomb, Hughes, Jett, Kearby, Kendall, Leslie, Marshall, Matlock, Mitchell, Murphy, Neill, Noland, Patrick, Patterson, Robinson, Stout, Thompson, Turman, Whittington, Woods, and Woodward—37.

So the House refused to lay said resolution upon the table.

The question then arose upon the adoption of said resolution.

On motion of Mr. Crutchfield, a call of the House was ordered.

And Mr. Clements being absent, the doorkeeper was ordereed to notify him to appear.

And having notified Mr. Clements of the proceedings in the House, and the materiality of his presence, returned to the House the message of Mr. Clements that he was too ill to attend and take his seat.

Whereupon, the yeas and nays were called for and ordered.

Those voting in the affirmative are,

Messrs. Abraham, Alston, Annis, Bell, Bennett, Bertrand, Brickey, Burke, Childers, Clarke, Collins, Dunn, Embree, Fletcher of Mississippi, Fletcher of Pulaski, Gould, Hammock, Halcomb, Hughes, Jett, Kearby, Leslie, Marshall, Matlock, Murphy, Neill, Noland, Patrick, Patterson, Sharp, Stout, Thompson, Turman, Whittington, Woods and Woodward—37.

Those voting in the negative are,

Messrs. Anthony, Billingsley, Brown, Bruton, Buchanan, Croft, Cromwell, Cross, Crutchfield, Dennis, Farmer, Featherston, Forrest, Farmer, Gentry, Grimes, Griffin, Hill, Jeffrey, Kelly, Kendall, King, Kuykendall, Lindsay, Mitchell, Newton, Pettigrew, Ramsey, Sadler, Stotts, Tully, Turner, Wells, Wiley, Williams, Wright, and Mr. Speaker—37.

So the House refused to adopt said resolution.

Mr. Brown was called to the chair.

The bill from the Senate, making appropriation to pay special judges was taken up, read a third time, and on motion of Mr. Bertrand, laid upon the table until the further action of this House thereon.

Mr. Hughes introduced the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That there be a committee of five appointed to act in conjunction with such committee as may be appointed on the part of the Senate, to receive proposals for the printing of all public documents that may be ordered to be done by General Assembly at its present session.

Mr. Rust moved to dispense with the rules, so that said joint resolution could be read a first time.

On motion of Mr. Bertrand, the yeas and nays were ordered.

Those voting in the affirmative are,

Messrs. Anthony, Bell, Billingsly, Brown, Bruton, Buchanan, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, Farmer, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffry, Kelly, Kendall, King, Kuykendall, Leslie, Lindsay, Marshall, Mitchell, Neill, Newton, Pettigrew, Ramsey, Sadler, Sharp, Stotts, Thompson, Tully, Turner, Wells, Wiley, Williams, Wright and Mr. Speaker—48.

Those voting in the negative are,

Messrs. Abraham, Alston, Annis, Bennett, Bertrand, Brickey, Burke, Childers, Clarke, Collins, Fletcher of Mississippi, Fletcher of Pulaski, Jett, Kearby, Matlock, Murphy, Noland, Patrick, Patterson, Robinson, Stout, Turman, Whittington, Woods and Woodward—35.

So the House refused to dispense with the rules.

Mr. Speaker resumed the chair.

Mr. Collins moved an adjournment.

Which was lost.

The bill to be entitled an act to declare Cache river a navigable stream, was taken up and read a second time, and

On motion of Mr. Wiley, the rules were dispensed with and said bill read a third time, and passed.

The bill to be entitled an act to amend the 80th chapter of the Revised Statutes in relation to interest, was taken up, read a second time, and

On motion of Mr. Croft, referred to the committee on the judiciary.

The bill to be entitled an act to repeal the 39th section of the 79th chapter of the Revised Statutes, was taken up and read a second time, and ordered to be engrossed.

The bill to be entitled an act to repeal the 5th section of the Revised Statutes, chapter 72, under the head of guardian and ward, was taken up, read a second time, and

On motion, referred to a select committee, consisting of Messrs. Marshall, Cross and Billingsley.

The bill to be entitled an act to revise the 26th and 27th sections of the Revised Statutes under the head of Justices of the Peace, was taken up, read second time, and

On motion of Mr. Collins, laid on the table indefinitely.

The joint resolution introduced by Mr. Farmer, to proceed to the election of certain officers on Monday next, at 11 o'clock, a. m., was read and adopted.

The bill entitled an act to regulate the duties of constables, and for other purposes, was taken up, read a third time and

On motion of Mr. Bertrand, referred to the committee on the judiciary.

On motion of Mr. Bertrand, the House adjourned.

WEDNESDAY, November 25th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Abraham presented the petition of Edward D. Reynolds and others, citizens of the county of Polk, praying the removal of the county seat of said county to Baker's Springs: which,

On motion of Mr. Abraham, was referred to a select committee, consisting of

Messrs. Abrahams, Pettigrew and Williams.

On motion af Mr. Abraham, leave of absence was granted to Mr. Jett, for to-day, on account of indisposition.

Mr. Crutchfield moved that the standing committee on Banks have leave to retire from the Hall for the purpose of attending to the business before said committee.

Which was accordingly granted.

Reports from standing committees were in order.

Mr. Patrick, from the committee on the judiciary, made the following report:

Mr. Speaker—The judiciary committee have had under consideration an act entitled an act to repeal the 123d section of the Revised Statutes, and for other purposes. They instruct me to report that its passage will be inexpedient.

Mr. Bennett, from the committee on agriculture, made the following report:

Mr. Speaker—The committee on agriculture, to whom nothing has as yet been referred for their consideration, for this reason cannot make a report upon any special matter; but as all committees are required by a resolution of this House to make reports without delay, to facilitate a speedy adjournment; therefore, your committee would most respectfully offer the following as the result of their deliberations upon the subject of agriculture;

Conceiving as we do, that of all interests in society, that of the agricultural is the most important, and as such, should receive all the fostering care and attention of the Legislature: and in no way do we conceive that the farming and agricultural interest of the country can prosper more than by leaving it entirely unfettered by any legislative act whatever. The superior independence of the agriculturist and farmer is proverbially true, and your committee would further state that anythiug they could recommend to advance the farming or agricultural interest would be entirely futile. For it is evident, the experience of the age has not to any extent contributed to inform the farmer, or teach him the *modus operandi* of the culture of those staple articles that contribute in so eminent a degree for the comfort and happiness of the human family.

Having thus given our views in this brief manner, we submit them to the consideration of this House.

E. H. BENNETT, *Chairman.*

Mr. Woodward, from the committee on the judiciary, made the following report:

Mr. Speaker—The judiciary committee, to whom was referred a bill to be entitled an act to authorize John Huffman and Joseph

Huffman, surviving administrators of John Huffman, deceased, to sell real estate, &c., have had the same under consideration, and have instructed me to report said bill back to this House as expedient, and recommend its passage.

WOODWARD, *of Ouachita.*

Mr. Woodward, from the committee on the judiciary, made the following report:

Mr. Speaker—The committee on the judiciary, to whom was referred a resolution instructing them to enquire into the expediency of passing a law for the trial and punishment of slaves, have had the same under consideration, and have instructed me to report said resolution back to this House as inexpedient at the present session, and that they deem the law now in force for the punishment of slaves wholly sufficient; and beg leave to be discharged from any further consideration of this subject.

WOODWARD, *of Ouachita.*

Which report was adopted.

Mr. Brown, from the committee on the judiciary, made the following report:

Mr. Speaker—The standing committee on the judiciary, to whom the bill to be entitled an act to revive the 41st chapter of the Revised Statutes of Arkansas, under the head of Fees, was referred, according to order, had the same under consideration, and although some of said committee are in favor of said bill, a majority instruct me to report that they deem it inexpedient to raise the fees or salaries of officers at the present session of the General Assembly, and recommend that the bill herein recited, be postponed to a day beyond this session, and that your committee be discharged from the further consideration hereof.

R. C. S. BROWN, *Chairman.*

Mr. Anthony, from the committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report correctly enrolled, the following:

An act to establish the county of Drew.

An act to define the county line between the counties of Lafayette and Union. And

An act to provide for the collection of tax in the counties of White and Jackson.

All of which are herewith returned.

ANTHONY, *of Randolph.*

Mr. Anthony, from the committee on enrollments, made the further report, to wit:

Mr. Speaker—I am instructed to inform your Honorable body, that his Excellency the Governor has approved the following bills:

An act to change the name of James F. Reaves, of Bradley county, to the name of Doctor Ridgely Reaves.

An act the better to define the line between the counties of Crawford and Washington. And

An act for the relief of William M. H. Newton, late sheriff of Johnson county.

ANTHONY, *of Randolph.*

Reports from select committees were in order.

Mr. Fletcher of Pulaski, from a select committee, made the following report:

Mr. Speaker—The select committee to whom was referred a bill to be entitled an act to define the boundary line between the counties of Perry and Pulaski, Perry and Saline, and Perry and Montgomery, have considered the same, and beg leave to report the accompanying bill as a substitute.

FLETCHER, *of Pulaski.*

Which said substitute, so reported, entitled an act to define the boundary line between the counties of Perry and Pulaski, Perry and Saline, and Perry and Montgomery, was read a first time.

Mr. Halcomb, from the select committee, made the following report:

Mr. Speaker—The committee to whom was referred the petition of the citizens of the town of Napoleon, to grant John V. Newman a license to keep a ferry across the Mississippi river, have instructed me to report the following bill.

Which said bill, entitled an act to authorize John V. Newman to keep a ferry across the Mississippi river, at the town of Napoleon, Arkansas.

Which was read a first time.

Mr. Marshall, from a select committee, made the following report:

Mr. Speaker—The select committee to whom was referred the bill to repeal the 5th section of the 72d chapter of the Revised Statutes, under the head of Guardian and Wards, have had the same under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

MARSHALL, *of Lawrence.*

Mr. Kuykendall, pursuant to notice, introduced a bill to be entitled an act to define the line between White and Conway counties.

Which was read a first time.

Mr. Brown was called to the Chair.

Mr. Croft introduced the following:

Resolved, That the committee on the militia be instructed to enquire into the propriety of enlisting in the service of the United States against Mexico, the able bodied convicts now in the penitentiary of this State. CROFT.

Which was adopted.

Mr. Mitchell, pursuant to notice, introduced a bill to be entitled an act for the relief of Littlebury Tadlock.

Which was read a first time.

Mr. Embree, pursuant to notice, introduced a bill to be entitled an act supplementary to the several acts for assessing and collecting revenue in this State.

Which was read a first time.

Mr. Embree, pursuant to notice, introduced the further bill to be entitled an act to tax groceries.

Which was read a first time.

Mr. Turner, pursuant to notice, introduced a bill to be entitled an act for the relief of Caleb Wyachors and George T. Turner.

Which was read a first time.

On motion of Mr. Annis, rejected.

Mr. Dunn gave notice that on to-morrow he would ask leave to introduce a bill to require judges of the supreme court to adopt uniform rules of practice for the circuit court.

Mr. Dunn introduced the following:

Resolved, That the committee on banks be, and are hereby instructed to enquire into the expediency of reporting a bill to exclude the notes of the real estate bank from being received for debts due to the State bank.

Which was rejected.

Mr. Newton, pursuant to notice, introduced a bill to be entitled an act to define the jurisdiction and regulate the proceedings of justices' courts in cases of breaches of the peace.

Which was read a first time.

The following message was received from the Senate, by the hands of J. M. Ross, Esq., Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled an act requiring the county courts to provide for the payment of postage on the supreme court reports. Also,

An act to refund penalties paid into the State treasury by the sheriffs of Jackson and Scott counties. Also,

A resolution instructing our Senators and requesting our Representative in Congress to procure the passage of a law establishing certain mail routes.

All of which are herewith transmitted for the assent of the House of Representatives.

Mr. Robinson, pursuant to notice, introduced a bill to be entitled "an act to amend the 47th section of the 60th chapter of the revised statutes of Arkansas, under the head of executions;"

Which was read a first time.

Mr. Tully, pursuant to notice, introduced a bill to be entitled "an act to prevent fire hunting."

On motion of Mr Fletcher, of Mississippi, Mr. Cromwell was added to the committee on public lands.

Mr. Woodward, pursuant to notice, introduced a bill to be entitled "an act to amend the 47th section of the 60th chapter of the revised statutes."

Which was read a first time.

Mr. Bruton, pursuant to notice, introduced a bill to be entitled "an act to call in the branch banks of the State of Arkansas.

Which was read a first time.

Mr. King gave notice that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to call in the county scrip of Perry county."

Mr. Wiley, pursuant to notice, introduced a bill to be entitled "an act to define the duties and powers of justices of the peace."

Which was read a first time.

Mr. Anthony, presented the following memorial to the Congress of the United States:

To the honorable the Senate, and House
of Representatives of the United States assembled:

Your memorialists, the General Assembly of the State of Arkansas, would represent to your honorable body, that the United States owns a great quantity of public domain unappropriated, on the streams of the White, Black, Current and Eleven Point rivers, which is of little profit to the general government, from a want of the improvement of the navigation of said streams, and your memorialists would further show, that the improvement of the channels of said rivers, would, in a very great degree, enhance the value and aid in the sale of the public lands, lying and bordering on said rivers, and for the purpose of improving said rivers, your memorialists would ask your honorable body, to appropriate all the unappropriated fractions made by the meanderings of said rivers, and lying on the banks of said rivers, to be sold by the authority of this State, and the proceeds of such sales to be applied to the special improvement of the channels of said rivers, to the crossing of the Missouri line.

And in duty bound your memorialists will ever pray.

Which was read a first time.

Mr. Rust introduced the following:

Resolved, by the General Assembly of the State of Arkansas, That the joint committee upon public printing be re-constituted, and be instructed to close a contract with Mr. Borden, for the execution of the printing that may be required by this General Assembly, and for the printing of the Acts and Journals of the same, upon the terms already proposed by him to said committee, and that the Senate be requested to concur herein.

On motion of Mr. Rust, the rules were dispensed with, and said resolution read and adopted.

Mr. Speaker resumed the chair.

Mr. Grimes introduced the following:

Resolved, That the keeper of the public jail of Pulaski county, be requested to furnish this house with a bill of the items of expense incurred in keeping the penitentiary convicts; which was adopted.

Mr. Stout, pursuant to notice, introduced a bill to be entitled "an act in relation to the powers and jurisdiction of justices of the peace."

Which was read a first time.

Mr. Murphy gave notice that on to-morrow, he would ask leave to introduce a bill to authorize the administrators of Calvin Boatwright, to sell lands, and for other purposes.

Mr. Murphy gave further notice that on Monday next, he would ask leave to introduce a bill to establish primary schools, and for other purposes.

The bill to be entitled "an act to repeal the 3d section of the 130th chapter of the revised statutes of Arkansas, and for other purposes,"

Was taken up, read a third time and rejected.

The following resolution:

Resolved, That the rules of the House, calling the counties alphabetically be dispensed with,

Was taken up, read, and lost.

The bill to be entitled "an act to prescribe the powers and duties of the several attorneys, which now are elected or shall be elected hereafter, for the several banks of this State, the State Bank and branches," was taken up and read a third time; and,

On motion of Mr. Fletcher, of Mississippi, was referred to committee on banks.

The bill from the Senate to be entitled "an act authorizing William F. Moore and Richard Cail, as administrators of the estate of Miller Irvin, deceased, late Sheriff and collector of taxes in Phillips county," was taken up and read a third time and passed.

The following:

Resolved by the House, That it shall not be in order to adjourn until 12 o'clock, M., and that this house hold evening sessions after the 20th of this month, from 2 o'clock, P. M., until 4 o'clock, P. M., and that no resolutions or motions shall be in order in the evening sessions, until all the business belonging to the orders of the day are taken up,

Was taken up and read.

Mr. Croft offered an amendment, to-wit:

Resolved, That hereafter the House shall not adjourn until after the hour of 1 o'clock, P. M.

Mr. Forrest moved to lay said resolution with the amendment proposed thereto, upon the table until the 4th day of July, 1847.

Whereupon, Mr. Clarke called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Billingsly, Buchanan, Childers, Clements, Collins, Cross, *F*armer, Fletcher, of Pulaski, *F*orrest, Garner, Gentry, Griffin, Hammock, Halcomb, Hughes, Kelly, King, Kuydendall, Mitchell, Patrick, Ramsay, *T*hompson, Tully, Turner, Whittington, Wiley, *W*oods, and *W*right—34.

Those voting in the negative, are

Messrs. Alston, Brickey, Bruton, Burke, Clarke, Croft, Cromwell, Dennis, Dunn, Embree, Featherston, Fletcher, of Miss., Grimes, Hill, Jeffrey, Kearby, Kendall, Leslie, Marshall, Matlock, Murphy, Neill, Newton, Patterson, Pettigrew, Robinson, Sadler, Sharp, Stotts, Stout, Wells, Williams and Mr. Speaker—33.

So said resolution and amendment were laid upon the table until the 4th of July, 1847.

The bill to be entitled "an act to revive the 39th section of the 60th chapter of the revised code."

Was taken up, read a third time and passed.

The bill to be entitled "an act to amend the law in relation to billiard tables and ten-pin alleys, approved January 8th, 1845," was taken up, read a second time, and

On motion of Mr. Brown, referred to the committee on the judiciary.

The bill to be entitled an "an act for the relief of Thomas Kirk," was taken up and read a second time; and,

On motion of Mr. Dennis, was referred to Messrs. Dennis, Dunn, and Matlock.

The bill to be entitled "an act concerning forfeited lands," was taken up, read a second time; and,

On motion of Mr. Bertrand, referred to the committee, consisting of Messrs. Bertrand, Featherston and Bell.

The bill of the House to be entitled "an act for the relief of Pleasant *M.* Johnson, late sheriff of the county of Madison," returned from the Senate with an amendment, was taken up, and the amendment read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and the amendment read a second and third time and passed.

The bill to be entitled "an act to declare the St. Francis river a navigable stream," was taken up, read a third time and passed.

The bill to be entitled "an act to dtstribute the proceeds of the 500,000 acres of land among the counties of the State," was taken up and read a second time.

Mr. Sharp moved to lay the bill on the table until the 4th of March next.

Mr. Stotts called for the yeas and nays, which weıe ordered and the roll called.

Those voting in the affirmative, are

Messrs. Anthony, Bell, Bennet, Brown, Burke, Collins, Cromwell, Fletcher, of Mississippi, Forrest, Marshall, Murphy, Patrick, Sharp, Stout and Wiley—15.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Bertrand, Billingsly, Brickey, Bruton, Buchanan, Childers, Clarke, Clements, Croft, Cross, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher, of Pulaski, Gentry, Gould, Griffin, Hammock, Hill, Halcomb, Hughes, Jeffrey, Kearby, Kelly, Kendall, King. Kuydendall, Leslie, Lindsey, *Mat*lock, Mitchell, Neill, Newton, Patterson, Pettigrew, Ramsay, Robinson, Sadler, Stotts, Thompson, Turman, *W*ells, Whittington, Williams, *W*oods, *W*right and Mr. Speaker—52.

So the motion to lay on the table was lost.

On motion of Mr. Croft said bill was referred to the committee on public lands.

On motion of Mr. Leslie, Mr. Jeffrey was added to the committee on public lands.

The bill to be entitled "an act to declare Big Creek a navigable stream," was taken up, read a third time and passed.

The bill from the Senate, to be entitled "an act to repeal an act entitled an act to authorize non-residents of this State, and others owning lands and town lots in counties in which they shall not reside, to pay taxes upon such land and town lots directly into the State treasury, should they prefer so doing," was taken up, read a third time and passed.

The following message was received from the Governor, by the hands of the Hon. Geo. B. Croft:

I am instructed by the Governor, to inform you that he has approved "an act to establish the county of Prairie;" and "an act to incorporate the town of Arkadelphia."

The bill to be entitled "an act to amend the 58th chapter of the revised statutes, under the head of estrays;"

*W*as taken up and read a third time.

Mr. Croft offered an amendment to said bill, which was rejected.

Mr. Brown moved to refer said bill, to the committee on the judiciary, which motion was lost.

The question then arose upon the passage of said bill and the yeas and nays being called, said bill was passed.

The bill to be entitled "an act to authorize the probate courts in this State to appoint guardians for persons of color," was taken up, read a 3d time and passed.

The bill from the Senate, to he entitled "an act, further to alter and amend the road laws;"

*W*as taken up, read a second time and ordered to be engrossed.

The bill to be entitled "an act to extend the duties of constables," was taken up and read a second time.

Mr. Grimes offered an amendment to said bill, which was lost.

Mr. Patrick moved to refer said bill to the committee on the judiciary, which motion was overruled.

On motion of Mr. Noland, the vote upon the question referring said bill to the committee on the judiciary, was considered, and said bill was referred to said committee.

The bill to be entitled "an act to change the action of forfeited delivery bonds," was taken up, read a second time; and

On motion of Mr. Collins, recommitted to the committee on the judiciary.

The bill from the Senate, to be entitled "an act, further to alter and amend road laws;"

Was taken up and read a first time.

The joint resolution of the House instructing the committee on apportionments, so to reduce the ratio of representation as to give the House representatives fifty-four members, and the senate seventeen," as amended by the Senate, was taken up; and

On motion of Mr. Collins, said amendment was concurred in.

The memorial instructing our Senators and Representative in Congress to use their best efforts to procure the passage of a law to donate to the State of Arkansas, all the public lands now unsold within said State, was taken up, read a second time; and

On motion of Mr. Croft, referred to a select committee, consisting of Messrs. Croft, Sadler, Leslie and Forrest.

On motion of Mr. Tully, the house adjourned.

THURSDAY, November 26, 1846.

The House met pursuant to adjournment.

The Journal of the 16th and 17th inst's, were read and approved.

Mr. Speaker announced that petitions from counties were in order.

The petition of sundry citizens of Benton county, praying relief for Charles Duncan, a half breed Cherokee Indian, who stands indicted in the circuit court of Benton county, for the killing of John Ward, praying a special act of this General Assembly, pardoning said Duncan, was received by the hands of Mr. Speakerr and

On motion of Mr. Thompson, referred to a select committee, consisting of Messrs. Ramsey, Thompson, Hammock, Grimes and Williams.

Reports from standing committees were now in order.

Mr. Fletcher, of Mississippi, from the cemmittoe on the judiciary, made the following report:

Mr. Speaker—I am instructed by the judiciary committee, to whom was referred the bill to be entitled "an act to amend the 80th chapter of the revised Statutes, in relation to interest, to report that they consider any further legislation on the subject inexpedient."

Mr. Fletcher from the committee on the judiciary, made the following report:

Mr. Speaker—I am instructed by the judiciary committee, to whom was referred a proposition to so amend the constitution as to provide for the election of presiding judges of the county court, and prosecuting attorneys, by the people; to report the same back to the House without amendment.

FLETCHER, of Mississippi.

Mr. Croft from the committee on internal improvement made the following report:

Mr. Speaker—The committee on internal improvements to whom was referred the subject of appropriating funds for the improvement of the navigation of Black river; have instructed me to report the same as inexpedient.

CROFT, *Chairman.*

Which was adopted.

Mr. Croft from the committee on internal improvements, made the further report, to wit:

The standing committee on internal improvements, to whom was referred the bill, amendatory to an act, to provide for the sinking of a salt well, approved January 9th, 1845; and also a bill to provide for the sinking of a salt well in Crawford county; your committee has instructed me to repoɹt that they deem it inexpedient to legislate on either of said bills at present, and recommend to the House their rejection.

G. B. CROFT, *Chairman.*

Mr. Collins, from a majority of the committee on apportionment, to which was referred the resolution on arrangement of the several judicial circuits of this State, and to organize the new circuit to be called the 1st judicial circuit, reported a bill, to be entitled "an act to arrange the several judicial circuits and to organize the 8th judicial circuit;"

Which was read a first time.

Mr. Clarke from the minority of said committee, reported a bill, to be entitled "an act to arrange the several judicial circuits;"

Which was read a first time.

Mr. Brown from the committee on the judiciary, made the following report:

Mr. Speaker—*T*he judiciary committee to whom was referred the bill, to be entitled "an act to amend the first section of an act concerning limitations, approved 14th December, 1844; have in compliance with an order of the House, had the same under consideration, and said committee instruct me to report that they deem it inexpedient to pass the above recited bill, and recommend that it be laid upon the table until the first of May next.

R. C. S. BROWN, *Chairman.*

Mr. Brown from said committee, made the further report:

Mr. Speaker—The standing committee on the judiciary to whom was referred the bill, to be entitled "an act to amend the law in relation to billiard tables and ten pin alleys, approved, 8th of January, 1545;" have in accordance with the order of this House, had the subject matter under consideration, and said committee have unanimously instructed me to report against the passage of the bill, and respectfully recommend that it be postponed to a day beyond the present session of this Generel Assembly.

R: C. S. BROWN, *Chairman.*

Mr. Anthony from the committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report correctly enrolled, the following:

"An act to amend the law in relation to appeals from justices of the peace."

A resolution requesting Congress to grant and donate 500,000 acres of land to the State of Arkansas, for the completion of the Memphis road.

A resolution asking a mail route from New Madrid, *M*issouri, to Memphis, Tennessee, twice a week.

A resolution asking a mail route, from Samuel Farmer's settlement, to St. Paul, on the head of *W*hite river.

All of which are herewith returned.

ANTHONY, *of Randolph.*

Reports from select committees were in order.

Messrs. Neill and Matlock from a majority of a select committee, made the following report:

Mr. Speaker—The select committee to whom was referred the special message of his excellency the Governor, calling the attention of the House of Representatives, to the services rendered by E. Cummins, in assisting Isaac Baker, Esq., attorney for the branch of the Bank of the State of Arkansas, at Batesville, in defending said branch Bank in the circuit court of Independence county, at the February term of said court, 1846; have taken great pains to investigate the matter thoroughly.

The case seems to be a very hard one, and any person made acquainted fully with all the circumstances and evidence, would at first thought say, that Mr. Cummins should be paid a reasonable compensation for the services rendered; for from the testimony of Isaac Baker, Esq., and C. F. M. Noland, Esq., your committee believe that he rendered important services to the Bank; but that the State should be liable to pay him for those services, your committee deny.

At the last session of the Legislature, the Hon. Isaac Baker, was elected Bank attorney, for the branch of the State Bank at Batesville; and the Legislature contemplated by that election, that he was qualified to discharge the duties of the office, and made no provision for the employment of any one, to assist him in discharging his duties.

If, therefore, he found that the duties of the office were more than he could perform, he should have resigned or engaged counsel to assist him, at his own expense.

Your committee can find no law authorizing the executive to appoint any person to assist any officer appointed or elected by the Legislature, in discharging the duties devolving upon them by law.—They, therefore, report said message and docnments back to the

House, and ask to be discharged from the further consideration of the subject.

HENRY NEILL,
S. S. MATLOCK,
Two of the Committee.

Mr. Brown from the minority of said committee, reported a bill, to be entitled "an act to compensate Ebenezer Cummins for professional services rendered the State;"

Which was read a first time.

The question then arose upon the adoption of the majority report, of said committee.

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative are

Messrs. Alston, Annis, Bell, Billingsley, Brickey, Bruton, Childers, Cromwell, Dennis, Dunn, Farmer, Featherston, Forrest, Grimes, Jeffrey, Kendall, King, Kuykendall, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Pettigrew, Ramsey, Robinson, Sharp, Stout, Turman, Turner, Williams, and Wright—35.

Those voting in the negative, are

Messrs. Abraham, Anthony, Bennett, Bertrand, Brown, Buchanan, Clarke, Clements, Collins, Croft, Embree, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Griffin, Hammock, Hill, Halcomb, Hughes, Jett, Kearby, Kelly, Noland, Patrick, Patterson, Sadler, Stotts, Thompson, Tully, Wells, Whittington, Wiley, Woods, and Mr. Speaker—35.

So the House refused to adopt said report.

The bill reported by the minority of said committee, Mr. Robinson moved its rejection.

Mr. Featherston called for the yes and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Billingsley, Brickey, Bruton, Buchanan, Childers, Cromwell, Cross, Dennis, Dunn, Farmer, Featherston, Forrest, Grimes, Jeffrey, Kendall, King, Kuykendall, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Newton, Pettigrew, Ramsey, Robinson, Sharp, Stotts, Stout, Turman, Turner, Wells, Williams, and Wright—37.

Those voting in the negative, are

Messrs. Abraham, Anthony, Bell, Bennett, Bertrand, Brown, Burke, Clarke, Clements, Collins, Croft, Crutchfield, Embree, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Griffin, Hammock, Hill, Halcomb, Hughes, Jett, Kearby, Kelly, Noland, Patrick, Patterson, Sadler, Thompson, Tully, Whittington, Wiley, Woods, Woodward, and Mr. Speaker—37.

So the House refused to reject said bill.

Mr. Croft moved that the rules of the House be dispensed with, and the bill read a second time;

Which was lost.

The following message from the Senate was received by the hands of J. M. Ross, Esq.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill, to be entitled "an act to provide for filling vacancies in office."

Also, "an act for extending the range of taxable property and increasing the revenue of this State."

Also, a resolution reading as follows:

Resolved, by the General Assembly of the State of Arkansas, That all the public printing to be done or executed, for which appropriations are to be made by this General Assembly; shall be given to the lowest bidder thereof;

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House, entitled "an act to incorporate the city of Camden," with two amendments, in which your honorable body is respectfully asked to concur.

Also, "an act supplementary to an act for the election of school commissioners or for the disposition of sec. 6, in township 13, north of range 6, west."

Also, "an act to legalize the acts of commissioners of the 16th section, in township 1 north, and of range 11 and 12 west."

The Senate have concurred in the resolution of the House of Representatives, instructing the committee on public printing to contract with Mr. Borden, for the execution of the printing of the present General Assembly, and the acts and journals;"

All of which are herewith returned.

Mr. Brown was called to the chair.

Mr. Ramsey from a select committee, reported a bill, to be entitlsd "an act to define the powers and duties of the justices of the peace, in this State;"

Which was read a first time.

Mr. Speaker resumed the chair.

Motions and resolutions were in order.

Mr. Matlock, pursuant to notice, introduced a bill, to be entitled "an act to extend the powers and duties of the officers of the principal Bank of the State of Arkansas."

Mr. Collins introduced a resolution to amend the 14th rule of the House of Representatives, by inserting, "until the Speaker states the question to him," after the words "was put;"

Which was laid on the table until to-morrow.

Mr. Croft introduced the following:

Resolved, That the rule of the House requiring the counties to be called alphabetically, be rescinded, after next Monday.

Mr. Hill introduced a memorial praying the Congress of the United States to make appropriations for, and appoint an officer to superintend the removing of the raft, on Red river;

Which was read a first time.

Mr. Bruton gave notice, that on some convenient day, he would ask leave to introduce a bill, for the relief of John T. Jones, sheriff of Pope county, and for other purposes.

Mr. Wiley, pursuant to notice, introduced a bill, to be entitled "an act defining the powers and duties of justices of the peace;"

Which was read a first time.

Mr. Hughes gave notice that on to-morrow or some convenient day hereafter, he would ask leave to introduce a bill, to define the boundary line between the counties of Saline and Hot Springs.

And also, a bill to amend the 54th chapter of the revised statutes, under the head of elections.

Mr. Bertrand, pursuant to notice, introduced a bill, to be entitled "an act to punish Sabbath breaking;"

Which was read a first time.

Mr. Bertrand, pursuant to notice, introduced a bill, to be entitled "an act concerning slaves;"

Which was read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and said bill read a second time, and referred to the committee on the judiciary.

Mr. Bertrand, pursuant to notice, introduced a bill to be entitled "an act to preserve the honor of the State,"

Which was read a first time.

The letter from Thomas Parcells, in relation to the wants and situation of the penitentiary convicts, and calling the attention of the General Assembly thereto, was presented by Mr. Bertrand and read.

On motion of Mr. Bertrand, said communication was refeired to the committee on ways and means, to report without delay.

Mr. Patterson gave notice that on to-morrow, or as soon thereafter as practicable, he would ask leave to introduce an amendment to the constitution of this State, in the 7th section of the 6th article, to the judicial department.

Mr. Patterson, pursuant to notice, introduced a bill to be entitled "an act to regulate the action of forcible entry and detainer, approved January 10th, 1845."

Which was read a first time, and on motion of *M*r Noland, the rules being dispensed with, was read a second time.

On motion of Mr. Gould, said bill was referred to the committee on the judiciary.

*M*r. Stotts gave notice that, on to-morrow, he would ask leave to introduce a bill, to provide for the trial of cases in which the judges of the 4th and 5th judicial circuits were inteiested, or incompetent, and for other purposes.

Mr. Murphy, pursuant to notice, introduced a bill for the relief of Richard Damm, a cripple, of Washita county.

On motion of Mr. Fletcher of Mississippi, leave of absence was granted to Mr. Cromwell, on account of indisposition.

Mr. Forrest introduced the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That there shall not be a penitentiary erected in the State of Arkansas, and that laws of corporeal punishment shall be revived, and in full force and effect.

The orders of the day were taken up.

On motion of Mr. Clarke the rules were dispensed with, and the majority and minority reports of the committee, to whom was referred the arrangement of the several judicial circuits, and the organization of the 8th judicial circuit, were taken up.

The majority report was read a second time.

On motion of Mr. Clarke, the minority report, also, was read a second time.

The question then arose upon the adoption of the minority, as a substitute for the majority report, and the question being put the said minority report was adopted as a substitute for the majority report.

Mr. Bertrand moved a call of the House.

Mr. Brown was called to the chair.

Mr. Noland moved an adjournment, which was carried, and the House adjourned until Monday morning next, at 9 o'clock, A. M.

FRIDAY, November 27th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Clarke presented a petition from the commissioners appointed at the last session of the General Assembly of the State of Arkansas, of Upper township, in the county of Crawford, praying a special act authorizing said commissioners to assess all damages committed on said land and premises, and for rent for the use and occupancy of the same from one month after the date of the Hon. Secretary of War's communication, until full possession of said land and its appurtenances is obtained from the United States, and also authorizing said commissioners to sell the said premises in one entire lot or parcel, or in detached pieces or portions as the interests of the said township may be best served.

Which, on motion of Mr. Clarke, was referred to the committee on public lands.

Reports from standing committees were in order.

Mr. Noland, from the committee on the judiciary made the following report:

Mr. Speaker—The judiciary committee to whom was referred "an act for the preservation of the rights and property of married women," have unanimously instructed me to report the same back to the House with the following amendment, to-wit:

Strike out the word 'purchased' in 1st section, and 'or otherwise,' in 3d section, and recommend its passage.

Mr. Croft, from the standing committee on internal improvement, made the following report:

Mr. Speaker—The standing committee on internal improvements to whom was referred the subject of improving the navigation of the Little Missouri, Little Red and Ouachita rivers, have had the same under consideration, and instructed me to report the same inexpedient at present to legislate upon that subject.

Mr. Croft, from a select committee made the following report:

Mr. Speaker—The select committee to whom was referred the subject of constructing a State road commencing at Jone's point on the northern boundary line of this State, and terminating at some convenient point on Red River, have instructed me to report the same as inexpedient at present.

Which was adopted.

Mr. Anthony, from the committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments to report a bill for the relief of Pleasant M. Johnson, of Madison county, correctly enrolled.

Which is herewith returned.

Mr. Bertrand, from the committee on ways and means to whom was referred a bill to be entitled "an act to provide for the wants of the Penitentiary convicts."

Which was read a first time.

On motion of Mr. Bertrand the rules were dispensed with, and the bill read a 2nd and 3rd time and passed.

On motion of Mr. Gould, leave of absence was granted Mr. Garner for to-day.

In pursuance of a resolution requesting the keeper of the jail to communicate to this House, a bill of the items of expense of the convicts confined therein, a communication was received from Thomas Parsel with a bill of items, in amount $3252 07, which on motion of Mr. Grimes, was referred to the committee of ways and means.

Mr. Fletcher of Mississippi, from the committee on the judiciary to whom was referred the resolution instructing said committee to enquire into the legality of confining the convicts of the Penitentiary in the Pulaski county jail, made a report that the present confinement of said convicts is legal under the provision of the 4th section of the act of the General Assembly approved 17th December 1838, regulating the discipline of the Penitentiary.

Reports from select committees were in order.

Mr. Croft, from select committee, made the following report:

Mr. Speaker—The select committee to whom was referred the memorial to Congress asking the donation of all unsold lands in the State of Arkansas, have had the same under consideration and report against said memorial, for the reason that by asking more than we could expect, we shall, it is probable, obtain nothing: your committee therefore recommend that said memorial be laid upon the table until the 11th day of July, A. D. 1848.

Which was adopted.

Motions and resolutions were in order.

Mr. Brown gave notice that on Monday next, he would introduce a bill to authorize Theodore R. Sadler, late sheriff of Yell county, to collect the arrearages of State and County tax for the years 1841, 42, 43, 44 and 45, in said county of Yell.

Also, that on to-morrow he would ask leave to introduce a bill to be entitled "an act prescribing the times of holding the circuit courts in the counties of the seventh judicial circuit."

Mr. Bell introduced the following:

Resolved, by the House of Representatives of the General Assembly of the State of Arkansas, that so much of the Governor's message as relates to the individual judgments now existing against the State Bank be, and the same are hereby referred to the committee on Banks.

And be it further resolved, That said committee be, and they are hereby instructed to enquire into the character of said judgments, and that they report at an early day the result of their enquiry, with a bill if necessary, making provision for the payment of said judgments.

Which was adopted.

Mr. Bell gave notice that he would ask leave on to-morrow to introduce a bill to amend the 1st 2nd and 12th sections of chapter 128 in the Revised Code, and for other purposes.

Mr. Dunn, pursuant to notice, introduced a bill to be entitled "an act requiring the judges of the supreme court to make uniform rules of practice for the circuit courts."

Which was read a first time.

Mr. Wells introduced the following:

Resolved, That whereas the Constitution of this State gives all the weaker counties in this State one Representative, we hereby declare that every county in this State shall have at least one Representative.

Mr. Brown moved to lay said resolution on the table.

Which was lost.

The question was then on the adoption of the resolution.

Mr. Wells called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Bertrand, Brickey, Brown, Clements, Cross, Fletcher of Pulaski, Grimes, Halcomb, Jeffrey, King, Leslie, Lindsey, Matlock, Noland, Patterson, Pettigrew, Stotts, Tully, Turman, Turner, Wells, Whittington, Williams, Woods, and Mr. Speaker—27.

Those voting in the negative, are

Messrs. Annis, Anthony, Bell, Bennett, Billingsley, Bruton, Buchanan, Burke, Childers, Clarke, Collins, Croft, Crutchfield, Dennis, Dunn, Embree, Garner, Featherston, Fletcher of Mississippi, Forrest, Gentry, Gould, Griffin, Hammock, Hill, Hughes, Jett, Kearby, Kelly, Kendall, Marshall, Mitchell, Murphy, Neill, Newton, Patrick, Ramsey, Robinson, Sadler, Sharpe, Stout, Thompson, Wiley, Woodward and Wright—44.

So the resolution was lost.

Message from the Senate by the secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed the bill, to be entitled "an act to incorporate the town of Pine Bluff."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House Representatives, entitled "an act to authorize the probate court of Washington county to appoint Rily Buchanan guardian of the minor heirs of Chambers Buchanan, deceased."

Also, a resolution instructing our delegation in Congress to use their exertions to procure a donation of all the vacant lands now subject to inundation by the Mississippi river, and within the limits of this State to the end, that the same may be reclaimed.

Also, a resolution instructing the Secretary of State to transmit authenticated copies of all resolutions and memorials to the Congress of the United States, to our delegation in Congress.

Also, they have concurred in the resolution of the House of Representatives setting Monday next at 10 o'clock, A. M., to go into the election of one supreme judge, three circuit judges, and seven prosecuting attornies.

All of which are herewith returned.

Mr. Woods introduced the following joint resolution;

Resolved, by the General Assembly of the State of Arkansas, That a committee be appointed to consist of five, whose duty it shall be to enquire into the expediency of reporting some suitable place to locate the State Seminary.

Mr. Forrest, pursuant to notice, introduced a bill to be entitled "an act to reduce the salaries of certain officers therein named."

Which was read a first time.

Mr. Embree moved to reject said bill.

Mr. Forrest called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bertrand, Billingsly, Brown, Burke, Embree, Grimes, Hill, Jett, Kearby, Kelly, Kendall, King, Lindsey, Patrick, Patterson, Woods, Woodward and Mr. Speaker—22.

Those voting in the negative, are

Messrs. Brickey, Bruton Buchanan, Childers, Clarke, Clements, Collins, Croft, Cross, Crutchfield, Dennis, Dunn, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Gentry, Gould, Griffin, Hammock, Halcomb, Hughes, Jeffrey, Leslie, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Turman, Turner, Wells, Whittington, Wiley, Williams and Wright—47.

So the motion to reject said bill was lost.

Mr. Anthony made the following report:

Mr. Speaker—Your committee on enrollment report correctly enrolled, a "resolution instructing the committee on Public Printing to close a contract with Mr. Borden for the execution of said public work," and which is herewith returned.

Mr. Forrest gave notice that on to-morrow or some convenient day thereafter, he would ask leave to introduce a bill to be entitled "an act to change the time of holding the county and probate courts in the county of Madison."

Mr. Fletcher of Mississippi gave notice that on some day after to-morrow, he would ask leave to introduce a bill to repeal the 11th section of the 144th chapter of the Revised Statutes, and also a bill to alter the time of holding the probate court of Ouachita county.

Mr. Crutchfield gave notice that on to-morrow or some future day, he would ask leave to introduce a bill in relation to the election of county judges, and also to enlarge the chancery jurisdiction of the circuit courts.

Mr. King, pursuant to notice, introduced a bill to be entitled "an act to call in the county scrip of Perry county."

Which was read a first time.

Mr. Hughes, pursuant to notice, introduced a bill to be entitled "an act to define the line between the counties of Saline and Hot-spring."

Which was read a first time.

Mr. Patrick introduced the following resolution:

Resolved, That the committee on the judiciary be instructed to report an amendment to the Constitution of this State, so as new counties may be established out of any territory not less than five hundred and seventy-six square miles, and also, that any county now established may be reduced to five hundred and seventy-six square miles."

Which was lost.

Mr. Stout, pursuant to notice, introduced a bill to be entitled "an act to provide for the trial of cases pending in the 4th and 7th judicial circuits of this State, in which the judges of said circuits or either of them are interested or incompetent to try, and also to compel an exchange of circuits throughout the State when necessary."

Which was read a first time.

Mr. Gould introduced the following resolution:

Resolved, That the committee on apportionment be instructed to apportion the Representatives so that each county shall have one, provided her population be greater than the fraction of any adjoining county.

Mr. Bertrand moved to amend said resolution by striking out all after the word provided.

Which was lost.

On motion of Mr. Anthony, said resolution was laid on the table indefinitely.

Mr. Bertrand, from the committee on the judiciary to whom was referred the bill from the Senate to amend the 64th chapter of the Revised Statutes, under the head 'Garnishment,' reported the same back with sundry amendments.

Which said bill as amended, was read a first time.

The orders of the day were taken up.

Mr. Anthony made the following report:

Mr. Speaker—I am instructed to inform your honorable body, that his Excellency the Governor has approved of the following bills:

"An act to collect County and State tax in the counties of Jackson and White, for the year 1846."

"An act to define the county line between the counties of Lafayette and Union."

And "an act to establish the county of Drew."

Also, a joint resolution authorizing his Excellency the Governor to appoint a special agent to collect such portions of the notes executed by the purchasers of land and the act of the 31st December, 1842."

"An act to incorporate the Most Worshipful Grand Lodge of Ancient York Masons of the State of Arkansas and masonic jurisdiction."

"A resolution instructing our Senators, and requesting our Representative in Congress to use their exertions to cause the extension of the Rock Roe mail on White river up to Barkley's on Black river."

"A resolution for a weekly mail line from Elizabeth, in Independence county *via* Walcott to Gainesville, in Green county, Arkansas."

"An act to declare Antoine river navigable."

"A resolution instructing our Senators, and requesting our Representative in Congress to use their exertions in procuring the passage of a law to graduate the price of the public lands."

The bill to be entitled "an act to extend the jurisdiction of justices of the peace in this State," was taken up, read a second time, and on motion of Mr. Bertrand, referred to the committee on the judiciary.

Mr. Bertrand moved to dispense with the rules, so that all bills now ready for third reading might be taken up and disposed of, referred or committed.

Which was lost.

The resolution to amend the 14th rule of this House was taken up and adopted.

The bill to be entitled an act to arrange the several judicial circuits, was taken up and read.

Mr. Bertrand offered an amendment to said bill; which was rejected.

On motion of Mr. Clarke, it was ordered that said bill be engrossed and read a third time on to-morrow.

On motion of Mr. Robinson, all bills now on the table defining the powers and duties of justices of the peace, were referred to the committee on the judiciary.

On further motion of Mr. Robinson, all resolutions proposing amendments to the Constitution, were referred to said committee.

On motion of Mr. Robinson, Mr. Brickey was added to the committee on the judiciary.

Mr. Croft was called to the Chair.

The bill to be entitled an act concerning pedlers, was taken up and read a second time, and

On motion of Mr. Annis, referred to the committee on the judiciary.

The bill to be entitled an act for the election of members to the Convention to form a Constitution and System of Government for the State of Arkansas, was taken up and read a second time.

Mr. Dunn moved to lay said bill upon the table until the 1st day of June next.

Mr. Speaker resumed the Chair.

The question then was taken upon the motion to lay said bill upon the table.

The yeas and nays were called for, and being ordered, the roll was called.

Those voting in the affirmative, are

Messrs. Allston, Billingsly, Brickey, Bruton, Buchanan, Burke, Childers, Clements, Croft, Cross, Dennis, Dunn, Forrest, Gentry, Griffin, Grimes, Hill, Halcomb, Hughes, Jeffry, Kearby, Kelly, Kendall, King, Lindsey, Marshall, Matlock, Mitchell, Murphy, Niell, Noland, Patrick, Patterson, Pettigrew, Robinson, Sadler, Sharpe, Stotts, Stout, Thompson, Tully, Turman, Wells, Wiley, Williams, Woodward, Wright and Mr. Speaker—48.

Those voting in the negative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brown, Clarke, Collins, Crutchfield, Embree, Farmer, Featherston, Fletcher of Miss., Fletcher of Pulaski, Gould, Hammock, Jett, Leslie, Ramsey, Turner, Whittington, and Woods—23.

So said bill was laid upon the table until the first day of June next.

The bill to be entitled an act to amend the 1st, 4th and 5th sections of the 112th chapter of the Revised Statutes, under the head of Ne Exeat, was taken up, read a second time, and

On motion of Mr. Robinson, referred to the committee on the judiciary.

The bill to be entitled an act to increase the number of objects, or species of property subject to taxation, was read a second time, and

On motion of Mr. Crutchfield, laid upon the table, to be taken up with the bill from the Senate on the same subject.

The bill to be entitled an act to repeal and amend the latter part of section 1st of an act approved the 3d of February, 1843, under the head of Abolishment of Imprisonment in Civil Cases, was taken up and read a second time, and

On motion of Mr. Robinson, referred to the committee on the judiciary.

The joint resolution to our delegation in Congress, requesting their influence to procure the establishment of a weekly mail route by horse conveyance, from Helena, in Phillips county, through what is called Spring Creek Settlement, in said county, from thence through L. B. Tully's settlement, in Monroe county, so as to intersect the route from Memphis, Tennessee, at a point called Oakland post office, in St. Francis county, was taken up and read a second time, and

On motion of Mr. Patrick the rules were dispensed with, and said resolution read a third time, and passed.

The bill to be entitled an act to authorize the county courts to appoint justices of the peace in their several townships to assess the tax for State and county purposes, was taken up and read a second time.

Mr. Bertrand moved to refer said bill to a select committee.

Which was lost.

On motion of Mr. Woods, said bill was laid on the table indefinitely.

Mr. Patrick introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the 14th section of the 7th article of the Constitution of the State of Arkansas, under the head of Declaration of Rights, be amended so as to read as follows, to wit:

Sec. 14. That no man shall be put to answer any charge of felony, either at the common law or the statutes of this State, but by presentment, indictment, or impeachment, so that said section may not conflict with the amendment of the Constitution made at the present session of the General Assembly, which confers criminal and penal jurisdiction upon justices of the peace.

Mr. Murphy introduced the following joint resolution:

Resolved by the General Assembly of the State of Arkansas, That the following amendments be proposed to the Constitution of this State:

1st. Strike out of said Constitution all after the 8th section of the 4th article.

2d. Strike out the 14th section of the Bill of Rights.

The bill to be entitled an act to change the county line between Poinsett and St. Francis counties, was taken up and read a second time, and

On motion of Mr. Patterson, was referred to the committee on counties and county lines.

The bill to be entitled an act to refund to Wm. R. Hallford, late sheriff of Perry county, certain penalties paid by him, and to pay him for taking the census, was taken up and read a second time, and

On motion of Mr. Grimes, referred to a select committee, consisting of

Messrs. Grimes, King and Lindsey.

The joint resolution to our delegation in Congress, instructing and requesting them to procure a change and modification of the naturalization law, was taken up and read a second time.

On motion of Mr. Bertrand, the House adjourned.

SATURDAY, November 28, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

The Speaker announced that petitions from counties were in order.

On motion of Mr. Pettigrew, leave of absence was granted Mr. Williams, on account of indisposition.

Mr. Jett presented a petition from John O. Hightower and others, citizens of the State of Arkansas, praying for the passage of a law, making such appropriations from the seventy-two sections of land, located under the act of Congress of the United States, approved March 2d, 1827, and vested in and confirmed to the General Assembly of the State of Arkansas, by an act of Congress approved 23d June, 1836, for the purpose of erecting and establishing a seminary of learning in the State of Arkansas, or the funds arising therefrom, of such an amount as this General Assembly in its wisdom, might deem proportionate to the grade and wants of the seminary now erecting in the town of Washington, Arkansas.

On motion of Mr. Jett, said petition was referred to the Standing committee on education.

Mr. Brown was called to the chair.

Mr. Childers presented a petition from O. W. Halcomb, praying the passage of a law rewarding him for services rendered by him (as a volunteer) for the Government of the United States.

On motion of Mr. Clarke, said petition was referred to a select committee, consisting of

Messrs. Childers, Marshall and Clarke.

Reports from standing committees were in order.

Mr. Speaker resumed the Chair.

Mr. Brown, from the committee on the judiciary, made the following report:

Mr. Speaker—The proposition to amend the 29th section of the 4th article of the Constitution of the State of Arkansas, was by an order of this House referred to the standing committee on the judiciary, and said committee have, after examining the matter therein contained, instructed me to report said proposition back to the House, and recommend its passage.

Mr. Anthony, from the committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report correctly enrolled an act to legalize the acts of the commissioners of the 16th section in township 1 north, and of range 11 and 12 west. Which is herewith returned.

Mr. Jett, from the committee on education, made the following report:

Mr. Speaker—The committee on education, to whom was referred the bill entitled an act to provide for the sale of the 16th sec. in township 8 north of range 30 west, in Upper township of Crawford county, for common school purposes, have had the same under consideration, and have instructed me to report, that from all the circumstances of the case, and the facts presented to them, they believe the interests of the people of said township, in regard to education, could not be better subserved than by granting the said school commissioners the authority specified in said bill, and therefore recommend its passage.

Mr. Fletcher of Pulaski, from the select committee, to whom was referred the petition of Chester Ashley and others, citizens of Pulaski county, in relation to Fourche Dam, reported a bill to be entitled an act to enable certain citizens of Pulaski county to erect a levy or dam across La Fourche, in said county.

Which was read a first time.

On motion of Mr. Bertrand, the rules of the House were dispensed with, and said bill read a second time.

Mr. Collins offered an amendment to said bill; which,

On motion of Mr. Crutchfield, was laid on the table.

On motion of Mr. Annis, said bill was referred to a select committee of five, consisting of Messrs. Annis, Fletcher of Pulaski, Burke, Crutchfield and Kendall.

Mr. Brown moved the standing committee on Auditor's and Treasurer's Books have leave to retire from the Hall, for the purpose of attending to the business before said committee.

Which was accordingly granted.

Mr. Fletcher of Mississippi, from the committee on ways and means, to whom was referred such portion of the Governor's message as relates to the financial condition of this State, reported a bill to be entitled an act to amend the 120th chapter of the Revised Statutes, and to increase the revenue of this State.

Which was read a first time.

On motion of Mr. Fletcher of Mississippi, it was ordered, that 500 copies of said bill be printed for the use of the House.

Reports from select committees were in order.

Mr. Ramsey, from a select committee, made the following report:

Mr. Speaker—The select committee, to whom was referred the petition of sundry citizens of Benton county, praying this Legislature a pardon to, or acquittal of Charles Duncan, who is charged with having killed John Ward, have had the same under consideration, and have instructed me to report unfavorably to the prayer of the petitioners, considering the subject as not a proper one for legislation; and the committee requests to be discharged from further consideration of said petition.

Which report was adopted.

Mr. Gould, from the committee on the judiciary, to whom was referred the bill to be entitled an act to extend the duties of constables, reported the following amendments:

Insert the words "or shall be defendants in any suit" after the word "otherwise" in the fourth line.

Also, an additional section, to wit:

Be it further enacted, That any constable to whom any process may be directed, shall have power to execute such process any where within his county.

Which amendment was read a first time.

Mr. Annis, from a select committee, to whom was referred the resolution to enquire into the expediency of abridging and simplifying the administration law, reported a bill to be entitled an act to amend the law of administration.

Which was read a first time.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives, entitled an act to change in part the manner of commencing suits in the circuit courts of this State. Also,

An act to repeal the 28th section of the 12th chapter of the Revised Statutes. Also,

An act to define and establish the road from Champagnolle, in Union county, Arkansas, to the Louisiana line, in the direction of Minden, via El Dorado and the residence of Thomas Peters, Union county, Arkansas. Also,

An act declaring L'Anguille a navigable stream. Also,

An act to declare St. Francis river a navigable stream. Also,

An act to amend the 58th chapter of the Revised Statutes, under the head of Estrays. Also,

An act to provide for the penitentiary convicts. Also,

An act to regulate the redemption of county scrip, with an amendment, in which your honorable body is respectfully asked to concur. Also,

An act to repeal the 3d section of the 109th chapter of the Revised Statutes, with an amendment, in which your honorable body is asked to concur.

All of which are herewith returned.

Mr. Collins, from the select committee, to whom was referred the joint resolution, instructing our delegation in Congress to use their exertions to procure the passage of a law incorporating the army and navy of the late Republic of Texas with those of the United States, reported an amendment and preamble: which was adopted. So the resolution as amended was passed.

Mr. Grimes, from a select committee, reported the following:

Mr. Speaker—The select committee, to whom was referred the bill entitled an act for the relief of William R. Hallford, late sheriff of Perry county, have instructed me to report the same back to the House without amendment, and recommend its passage.

Motions and resolutions were in order.

On motion of Mr. Clarke, the rules of the House were dispensed with, and the order of the day taken up.

Mr. Bertrand moved to dispense with the rules of the House, so that all bills on their third reading, ~~might~~ be taken up, which was sustained.

Mr. Crutchfield was called to the chair.

The bill, to be entitled "an act to amend the 85th chapter of the revised statutes;"

Was taken up and read a third time

Mr. Collins offered an amendment to said bill, by way of rider;

Which was adopted.

The question was then taken upon the final passage of said bill.

Mr. Robinson called for the yeas and nays, which were ordered and the rolled called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Anthony, Bell, Bennett, Bertrand, Billingsly, Brickey, Brown, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher, of Mississippi, Fletcher, of Pulaski, Forrest, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Jeffrey, Jett, Kearby, Kelly, Kuykendall, Kendall, King, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Turman, Turner, Wells, Whittington, Woods, Woodward, Wright, and Mr. Speaker—68.

Those voting in the negative, are

Messrs. Hughes and Leslie—2.

So the bill passed.

With leave Mr. Croft introduced a bill, to be entitled "an act to establish the county of Ashley;"

Which was read a first time.

On motion of Mr. Collins, the rules of the House were dispensed with, and the bill read a second time.

Mr. Mitchell offered the following amendment:

Amend by striking out the word Ashley and insert the word Crawley.

Which amendment was adopted.

On motion of Mr. Marshall, said bill was referred to the committee on counties and county lines.

On motion, Messrs. Fletcher of Mississippi, Robinson, Croft, Tully, Marshall, and Turman, were added to the standing committee on counties and county lines.

Mr. Speaker resumed the chair.

On motion of Mr. Gould, leave was granted Mr. Bennett to introduce a bill, to be entitled "an act to establish the county of Noland;"

Which was read a first time.

On motion of Mr. Patrick, the rules of the House were dispensed with, and the bill read a second time.

On further motion of Mr. Patrick, said bill was referred to the standing committee on counties and county lines.

On motion of Mr. Noland, Messrs. Brickey and Neill were added to the standing committee on counties and county lines.

The bill, to be entitled "an act to amend an act, entitled an act to regulate the price and sale of the 500,000 acres of land, approved 20th December, 1844;"

Was taken up, read a third time and passed.

The bill, entitled "an act to arrange the several judicial circuits in this State;"

Was taken up and read a third time.

Mr. Gould offered an amendment by way of rider, which was adopted.

Mr. Bertrand offered the following amendment by way of rider, to-wit:

Strike out "Conway," in fifth circuit, and add "Conway" to seventh circuit.

The question then was upon the adoption of said rider.

Mr. Bertrand called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative are,

Messrs. Bertrand, Bruton, Croft, Crutchfield, Fletcher of Pulaski, Griffin, Kuykendall, Leslie, Lindsey, Noland, Patrick, Ramsey, Woods, and Mr. Speaker—14.

Those voting in the negative are,

Messrs. Abraham, Alston, Annis, Bell, Billingsly, Brickey, Brown, Buchanan, Burke, Childers, Clarke, Clements, Collins, Cross, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Forrest, Gentry, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Patterson, Pettigrew, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turman, Turner, Wells, Whittington, Woodward, and Wright—55.

So the House refused to adopt the amendment.

Mr. Croft offered an amendment by way of rider, so that the county of Green be attached to the 3d judicial circuit.

On motion of Mr. Marshall, said amendment was laid on the table.

Mr. Clark called for the previous question, which call was sustained.

The question was then put, shall the bill pass?

Which was decided in the affirmative and the bill passed.

The bill, to be entitled "an act to exempt the individuals composing the association called the "Little Rock Fire Company," from serving on juries or performing militia duty;"

Was taken up, read a third time and passed.

The bill, entitled "an act to repeal the 4th section of the 99th chapter of the revised statutes," and for other purposes;

Was taken up and read a third time.

Mr. Crutchfield moved to amend by striking out the words "one fourth," and insert in lieu thereof, the words "one-sixth;"

Which was lost.

The question then was upon the adoption of the bill.

Mr. Bertrand called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative are,

Messrs. Bell, Bennett, Billingsley, Buchanan, Clarke, Collins, Featherston, Mitchell, Sharp, Stotts—10.

Those voting in the negative are,

Messrs. Abraham, Anthony, Bertrand, Brickey, Brown, Bruton, Burke, Childers, Clements, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, Farmer, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Griffin, Grimes, Hammock, Halcomb, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Kuykendall, Leslie, Lindsay, Marshall, Matlock, Murphy, Neill, Newton, Noland, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Stout, Thompson, Tully, Turman, Turner, Wells, Whittington, Woods, Wright, and Mr. Speaker—56.

So the bill was lost.

Mr. Grimes moved an adjournment, which was lost.

The bill, to be entitled "an act for the collection of county, levy, and revenue taxes, in the county of Yell, for the year 1846,"

*W*as taken up, read a third time and passed.

The bill, to be entitled "an act to repeal the 39th section of the 79th chapter of the revised statutes of Arkansas;"

*W*as taken up, read a third time and passed.

The bill, to be entitled "an act for the relief of paupers;"

*W*as taken up and read a third time.

*M*r. Bertrand offered an amendment by way of rider, which was adopted.

Mr. Bertrand moved to lay said bill on the table until the first day of July next;

*W*hich motion was sustained.

The bill, to be entitled "an act supplementary to an act, entitled an act to establish the county of Prairie;"

Was taken up, read a third time and passed.

Mr. Crutchfield offered the following;

Resolved, That the report of the Attorney General, accompanying the Governor's message, be referred to the committee on the judiciary, and that said committee be, and they are hereby specially instructed to inquire into the expediency of establishing a separate court of chancery, within and for the county of Pulaski, as suggested and recommended in the said report;

Which was adopted.

On motion of Mr. Woods the House adjourned.

MONDAY, November 30th, 1846.

The House met pursuant to adjournment.

The journal of Saturday was read and approved.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill, to be entitled "an act to repeal an act for the relief of the heirs and legal representatives of James Johnson, dec'd, late of the county of Hempstead, and more effectually to secure the payment of the debts of said State;

Which is herewith transmitted for the assent of your honorable body.

The Senate have not assented to the bill of the House of Representatives, entitled "an act to arrange the several judicial circuits," but have passed a substitute therefor to which the concurrence of your honorable body is asked.

Mr. Crutchfield was called to the chair.

A message was received from the Governor, informing the House that he had given his signature to a resolution, instructing our Senators and requesting our Representative in Congress, to use their exertions to procure the establishment of a mail route, from Clarksville, to Francis K. Jones', on Mulberry:

Also, a resolution asking Congress to appropriate 500,000 acres of land, to complete the Memphis road:

Also, a resolution instructing our delegation to procure a mail to be carried twice a week, from New Madrid, Missouri, by the way of Hickman's bend, Mill Bayou, Osceola, Pecan Point, Frenchman's Bayou, Oldham, and Marion, to Memphis, Tennessee:

Also, a joint resolution authorizing the joint committee to contract with B. J. Borden, for the execution of the printing that may be required by this General Assembly, and for printing the acts and journals of the same:

Also, an act for the relief of Pleasant M. Johnson, late sheriff of the county of Madison:

Also, an act to amend the law in relation to appeals from justices of the peace, to the circuit courts.

Petitions from counties were in order.

Mr. Newton presented the petition of Anderson Hodges and others, citizens of the county of Newton, praying the passage of a law so adjusting the county lines between the counties of Newton and Johnson, as to include within the limits of Johnson, certain territory now in the limits of Newton.

On motion of Mr. Farmer, said petition was referred to the committee on counties and county lines.

On motion of Mr. Gould, the rules were dispensed with and the bill of the Senate, entitled "an act to arrange the several judicial circuits, transmitted to the House as a substitute to a bill of the House, entitled as above;"

Was taken up and concurred in, and the Senate informed thereof.

Mr. Gould introduced the following joint resolution:

Resolved by the General Assembly of the State of Arkansas, That a judge and prosecuting attorney, for the eighth judicial circuit, be elected this day.

On motion of Mr. Gould, the rules of the House were dispensed with, and said resolution taken up, read and adopted.

Mr. Speaker resumed the chair.

Mr. Tully presented the petition of Isaac Murphy, and others, citizens of the county of Monroe, praying the establishment of a new county to be called "Eden;"

Which on motion of Mr. Gould, was referred to the committee on counties and county lines.

Mr. Clarke presented the petition of James Black, a citizen of Crawford county, in relation to certain land, included in the 500,000 acre location, made in pursuance of the donation of the United States, by the State of Arkansas.

On motion of Mr. Clarke, said petition was referred to a select committee consisting of Messrs. Bell, Clarke, and Collins.

Mr. Brown presented the petition of Nehemiah Cravens, praying that the Legislature pass an act remitting the fine of $50, imposed on him for setting up and keeping a billiard table, in the circuit court of Yell county.

On motion of Mr. Brown, said petition was referred to a select committee consisting of Messrs. Brown, Sadler, and Kelly.

Mr. Sadler presented the petition of Alexander Walker, and others, citizens of Yell county, praying that certain territory now constituting a part of the county of Pope, be attached to and made to constitute a part of the county of Yell.

On motion of Mr. Sadler said petition was laid on the table for the present.

Mr. Sadler presented the petition of Thomas J. Waters, and others, citizens of Yell county, and who are settlers on public lands under the provisions of the act of 31st, December, 1842, praying that they may be placed on the same footing with those persons who have located lands under the act of 1844 and 5, which on motion of Mr. Sadler, was referred to a select committee consisting of Messrs. Sadler, Cromwell, and Gentry.

Mr. King presented the petition of Charles Erb, and others, citizens of Perry county, praying the Legislature to grant Thomas McBath, a citizen of said county, the privilege of hawking and pedling, without paying license.

Which on motion of Mr. King, was referred to a select committee consisting of Messrs. King, Williams, and Hammock.

Reports from standing committees were in order.

Reports from select committees were in order.

Mr. Dennis from the select committee to whom was referred the bill, to be entitled, "an act for the relief of Thomas Kirk," reported the same back to the House, without amendment, and recommended its passage.

Mr. Anthony from the committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report correctly enrolled, the following, to-wit:

A bill, providing for the wants of the Penitentiary convicts.

Mr. Bertrand from the select committee to whom was referred a bill, to be entitled "an act concerning forfeited lands, reported the same back with sundry amendments."

Mr. Brown from the select committee to whom was referred the petition of E. G. Corder and Valentine Matlock, reported a bill to be entitled "an act for the relief of E. G. Corder and Valentine Matlock, citizens of Crawford county, Arkansas;"

Which was read a first time.

Mr. Brown from the select committee to whom was referred the petition of Nehemiah Cravens, reported a bill, to be entitled "an act to release Nehemiah Cravens, from a fine of $50, assessed by the circuit court of Yell county, at the August term thereof, 1844;"

Which was read a first time.

Motions and resolutions were in order.

Mr. Brown, pursuant to notice, introduced a bill to be entitled "an act to authorize Theodore P. Sadler, late sheriff of Yell county, to collect the arrearages of State and county taxes, due, as such sheriff for the years 1841—3—4—and 5;"

*W*hich was read a first time.

Mr. Kearby introduced the following resolution:

Be it resolved, by the House of Representatives:

Whereas, December the 7th, in good faith, has been set for the adjournment of this House, *sine die*, that from and after the passage of this resolution, no new bill or memorial to Congress be introduced, save those of which previous notice has been given, or such as are before committees at the time of the passage of this resolution.

On motion of Mr. Collions, said resolution was laid on the table for one day.

Mr. Garner, pursuant to notice, introduced a bill to be entitled "an act to refund to Gardner Cooper, late sheriff of Desha county, certain penalties."

Which was read a first time..

Mr. Kendall gave notice that on Tuesday next, he would ask leave to introduce a bill to authorize William Keller, administrator of the estate of Pres. J. Kennett, dec'd, to sell certain lands belonging to said estate.

Mr. Fletcher, of Miss., pursuant to notice, introduced a bill to be entitled "an act to repeal the 7th section of the act approved 2d February, 1843, entitled "an act to authorize a geological examination of the State," which was read a first time; and

On motion of Mr. Fletcher, the rules were dispensed with, the bill read a second time and referred to the committee on public lands.

Mr. Bertrand moved to take up the bill entitled "an act to appropriate $5,000 for paying special judges;" which was lost.

A message from the Governor, informing the house that he had approved of the "act providing for the relief of penitentiaay convicts."

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives, to go into the election of a judge and prosecuting attorney for the 8th judicial circuit.

This being the day fixed upon by resolution of both houses of the General Assembly, for electing one supreme judge, circuit judges and prosecuting attorneys,

On motion of Mr. Annis, the house went into recess until 11 o'clock, A. M., in order that the Hall might be prepared for the reception of the Senate.

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11 o'clock, A. M.

The house being in session, on motion of Mr. Croft, the Senate were informed thereof, and invited to be seated within the Representative Hall.

The Senate appeared in the Representative Hall and were seated.

Mr. Speaker announced that nominations for associate judge of the supreme bench, to fill the vacancy occasioned by the resignation of the Hon. Thomas J. Lacy, were in order.

Mr. Smith of the Senate, nominated William Conway B.

Mr. McCamy of the Senate, nominated Edward Cross.

Mr. Gould of the House, nominated Isaac Baker.

Mr. Burke of the House, nominated Thomas B. Hanley.

No other nominations being made, the roll was called.

The members voting for William Conway B, are

Messrs. Anthony, Bennett, Billingsly, Brown, Buchanan, Childers, Clements, Croft, Cromwell, Dennis, Dunn, Featherston, Griffin, Grimes, Hammock, Jeffrey, King, Kuykendall, Leslie, Lindsay, Marshall, Mitchell, Ramsey, Sadler, Sharp, Stotts, Stout, Thompson, Wells, and Wiley—30.

Those voting for Edward Cross, are

Messrs. Alston, Bell, Bruton, Clarke, Crutchfield, Farmer, Gentry, Hill, Hughes, Jett, Kelly, Matlock, Neill, Newton, Pettigrew, Turman, Turner, Williams, Wright, and Mr. Speaker—20.

Those members voting for Isaac Baker, are

Messrs. Annis, Bertrand, Brickey, Collins, Cross, Embree, Fletcher, of Miss., Fletcher, of Pulaski, Forrest, Garner, Gould, Halcomb, Noland, Woods, and Woodward—15.

Those members voting for Thomas B. Hanley, are

Messrs. Abraham, Burke, Kearby, Kendall, Murphy, Patrick, Patterson, Tully, and Whittington—9.

In the Senate Mr. Conway received 8 votes.
In the House " " " 30 " joint vote 38.
In the Senate Mr. Cross received 4 votes.
In the House " " " 20 " joint vote 24.
In the Senate Mr. Baker received 5 votes.
In the House " " " 15 " joint vote 20.
In the Senate Mr. Hanley received 4 votes.
In the House " " " 9 " joint vote 13.

Whereupon Mr. Speaker announced that neither of the gentlemen had received a majority of all the votes,

And thereupon the House proceeded to ballot the second time.

The members of the Mouse voting for Mr. Conway, are

Messrs. Abraham, Annis, Anthony, Bennett, Billingsly, Brown, Buchanan, Childers, Clements, Croft, Cromwell, Dennis, Dunn, Featherston, Griffin, Grimes, Hammock, Jeffrey, Kuykendall, Leslie, Lindsay, Marshall, Mitchell, Neill, Ramsey, Sadler, Sharp, Stotts, Stout, Thompson, Wells, and Wiley—32.

Those voting for Mr. Cross, are

Messrs. Alston, Bell, Bertrand, Bruton, Clarke, Crutchfield, Farmer, Fletcher, of Pulaski, Gentry, Hill, Hughes, Jett, Kelly, Matlock, Newton, Pettigrew, Turman, Turner, Williams, Wright, and Mr. Speaker—21.

Those voting for Mr. Baker, are

Messrs. Brickey, Burke, Collins, Cross, Embree, Fletcher, of Miss., Forrest, Garner, Gould, Halcomb, Murphy, Noland, Wood, and Woodward—14.

Those voting for Mr. Hanley, are

Messrs. Kearby, Kendall, Patrick, Patterson, Robinson, Tully and Whittington—7.

In the Senate Mr. Conway received 8 votes.
In the House " " " 32 " joint vote 40.
In the Senate Mr. Cross received 5 votes.
In the House " " " 21 " joint vote 26.
In the Senate Mr. Baker received 6 votes.
In the House " " " 14 " joint vote 20.
In the Senate Mr. Hanley received 2 votes.
In the House " " " 7 " joint vote 9.

Whereupon Mr. Speaker again announced that neither of the gentlemen nominated had received a majority of all the votes.

Mr. Burke withdrew the name of Mr. Hanley.

Whereupon the House proceeded to a third ballot.

Mr. Conway received in the Senate 8 votes.
In the House - - - 37 " joint vote 45.
Mr. Cross received in the Senate 6 votes.
In the House, - - - 17 " joint vote 23.
Mr. Baker received in the Senate 7 votes.
In the House, - - - 19 " joint vote 26.

Mr. Croft and Mr. Robinson, voted for the Hon. Wm. K. Sebastian.

Mr. Sebastian received no vote in the Senate.

Mr. Speaker again announced that neither of the gentlemen nominated had received a majority of all the votes.

And thereupon the house proceeded to a fourth ballot.

Mr. Conway received in the Senate 10 votes.

In the House, - - - - 42 " joint vote 52.

Mr. Cross received no vote in the Senate.

Mr. Baker received in the Senate 11 votes.

In the House, - - - 28 " joint vote 39.

Mr. Speaker then proclaimed that William Conway B, had received a majority of all the votes of the legislature, and was duly and constitutionally elected associate judge of the supreme bench of the State of Arkansas, for the unexpired term occasioned by the resignation of the Hon. Thomas J. Lacy.

Mr. Speaker announced that nominations for judge of the first judicial circuit of Arkansas, were in order.

Mr. Patterson of the House, nominated John T. Jones.

Mr. McCamy of the Senate, nominated Samuel S. Austell.

There being no further nominations made, the roll was called.

Mr. Jones received in the Senate 12 votes.

In the House, - - - 50 " joint votes 62.

Mr. Austell received in the Senate 9 votes.

In the House, - - - 24 " joint votes 33.

Whereupon Mr. Speaker proclaimed that John T. Jones had received a majority of the votes of both houses, and was duly and constitutionally elected judge of the first judicial circuit of the State of Arkansas, for the time prescribed by law.

Mr. Speaker now announced that nominations for judge of the fifth judicial circuit of Arkansas were in order.

Mr. Newton of the Senate nominated Mr. H. Feild.

No further nominations being made, the roll was called.

Mr. Feild received in the Senate 21 votes.

" " " " House 74 " Joint vote 95.

Whereupon Mr. Speaker proclaimed that Wm. H. Feild had received a majority of all the votes of both Houses, and was duly and constitutionally elected judge of the fifth judicial circuit of the State of Arkansas for the term prescribed by law.

Mr. Speaker now announced that nominations for judge of the 7th judicial circuit, were in order.

Mr. Williamson of the Senate, nominated Wm. W. Floyd.

Mr. Smith of the Senate, nominated Richard C. S. Brown.

No further nominations being made, the roll was called.

Mr. Floyd in the Senate received 11 votes.

In the House, - - - - 46 " Joint vote 57.

Mr. Brown in the Senate received 9 votes.

In the House, - - - 29 " Joint vote 38.

Whereupon the Speaker announced that William W. Floyd had received a majority of all the votes of both Houses of the legislature, and was duly and constitutionally elected judge of the 7th judicial circuit of the State of Arkansas, for the term prescribed by law.

Mr. Speaker announced that nominations for judge of the eighth judicial circuit of the State of Arkansas, were in order.

Mr. Pearce of the Senate, nominated Christopher C. Scott.

No other nominations being made, the roll was called, and Mr. Scott received the unanimous vote of the House.

In the Senate Mr. Scott received 21 votes.

In the House, - - - 75 " Joint vote 96.

Thereupon Mr. Speaker proclaimed that Christopher C. Scott had received a majority of all the votes of both houses, and was duly and constitutionally elected judge of the eighth judicial circuit of the State of Arkansas, for the term prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney of the first judicial circuit, were in order.

Mr. Mitchell of the House, nominated Nathan M. Foster.

Mr. Patterson of the House, nominated Samuel S. McCurdy.

Mr. Croft of the House, nominated Cyrus A. Scott.

No further nominations being made, the roll was called.

Mr. Foster in the Senate received 8 votes.

In the House, - - - 38 " Joint vote 46.

Mr. McCurdy in the Senate received 11 votes.

In the House, - - - 21 " Joint vote 32.

Mr. Scott in the Senate received 2 votes.

In the House, - - - 14 " Joint vote 16.

Mr. Speaker announced that neither of the gentlemen nominated had received a majority of all the votes, and thereupon the Houses proceeded to a second ballot.

On second ballot neither of the gentlemen nominated having received a majority of all the votes, both houses proceeded to a third ballot;

When Mr. Foster received in the Senate 10 votes.

In the House, - - - - 45 " Joint vote 55.

Mr. McCurdy in the Senate received 9 votes.

In the House, - - - - 25 Joint vote 34.

Mr. Scott in the Senate received 2 votes.

In the House, - - 5 " Joint vote 7.

Mr. Speaker proclaimed that Nathan M. Foster had received a majority of all the votes of both houses of the legislature, was duly and constitutionally elected prosecuting attorney for the first judicial circuit of the State of Arkansas, for the term prescribed by law.

The Senate withdrew to meet again in the Representative Hall at 3 o'clock, P. M.

The House went into recess until 3 o'clock, P. M.

3 o'clock P. M., the House convened.

On motion of Mr. Crutchfield, the Senate was informed thereof.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives, entitled "an act to amend the act to regulate the price and sale of the 500,000 acres of land, approved 20th December, 1844."

The Senate now appeared within the Representative Hall and were seated.

Mr. Speaker announced that nominations were in order for prosecuting attorney of the second judicial circuit of the State of Arkansas.

Mr. Embree of the House, nominated Solon B. Jones.

Mr. Cross of the House, nominated James T. Brown.

No further nominations being made, the roll was called.

Mr. Garner voted for Mr. Taylor.

Mr. Jones received in the Senate 5 votes.
" " " " " House 41 " joint vote 46.

Mr. Brown received in the Senate 15 votes.
" " " " " House 31 " joint vote 46.

Mr. Speaker announced that neither of the gentlemen nominated have received a majority of all the votes.

Therefore, both Houses proceeded to a second ballot.

On second ballot Mr. Garner voted for Mr. Taylor.

Mr. Jones received in the Senate 7 votes.
" " " " " House 41 " joint vote 48.

Mr. Brown received in the Senate 14 votes.
" " " " " House 31 " joint vote 45.

Mr. Speaker proclaimed that Solon B. Jones had received a majority of all the votes of both Houses of the Legislature, and was duly and constitutionally elected prosecuting attorney for the 2nd judicial circuit of the State of Arkansas, for the term prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney for the third judicial circuit, for the State of Arkansas were in order.

Mr. Wells of the House, nominated R. W. Ellis.

Mr. Anthony of the House, nominated Charles D. Cook.

Mr. Maxwell of the House, nominated Weatherspoon.

Mr. Jeffrey of the House, nominated Silas C. Walker.

Mr. Speaker announced that neither of the gentlemen nominated had received a majority of all the votes of both Houses.

Mr. Maxwell withdrew the name of Mr. Witherspoon.

Both Houses proceeded to second ballot.

Mr. Ellis received in the Senate no votes.
" " " " " House 4. "

Mr. Cook received in the Senate 5 votes.
" " " " " House 33 " joint vote 38.

Mr. Walker received in the Senate 16 votes.
“ “ “ “ “ House 37, joint vote 53.

Mr. Speaker proclaimed that Silas C. Walker had received a majority of the votes of both Houses, and was duly and constitutionally elected prosecuting attorney for the 3d judicial circuit of the State of Arkansas, for the term prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney of the fourth judicial circuit of the State of Arkansas were in order.

Mr. McCamy of the Senate, nominated Charles G. Baylor.

Mr. Hammock of the House, nominated Alfred B. Greenwood.

No further nominations being made, the roll was called.

Mr. Murphy voted for Isaac Strain.

Mr. Baylor, in the Senate received 10 votes.
“ “ “ “ House “ 24 “ joint vote 34.

Mr. Greenwood, in the Senate received 10 votes.
“ “ “ “ House “ 50 “ joint vote 60.

Mr. Speaker proclaimed that Alfred B. Greenwood had received a majority of the votes of both Houses, and was duly and constitutionally elected prosecuting attorney for the fourth judicial circuit of the State of Arkansas for the term prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney of the fifth judicial circuit of the State of Arkansas were in order.

Mr. Crutchfield of the House, nominated George C. Watkins.

No other nominations being made, the roll was called.

Mr. Jett voted for Mr. Turman.

Mr. Turman voted for Mr. Jett.

Mr. Watkins received in the Senate 21 votes.
“ “ “ “ “ House 71 “ joint votes 92.

Mr. Speaker proclaimed that George C. Watkins had received a majority of the votes of both Houses of the Legislature, and was duly and constitutionally elected prosecuting attorney for the fifth judicial circuit of the State of Arkansas, for the term prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney of the sixth judicial circuit of the State of Arkansas were in order.

Mr. Hill of the House, nominated Allen H. Blevins.

No other nominations being made, the roll was called.

Mr. Blevins received in the Senate 20 votes.
“ “ “ “ “ House 72 “ joint 92.

Mr. Speaker proclaimed that Allen W. Blevins had received a majority of the votes of both Houses of the Legislature, and was duly and constitutionally elected prosecuting attorney for the 6th judicial circuit of the State of Arkansas for the term prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney for the 7th judicial circuit were in order.

Mr. Featherston of the House, nominated J. Green.

Mr. Williamson of the Senate, nominated Jonathan Logan.

No further nomination being made, the roll was called.

Mr. Green in the Senate received 8 votes.

" " " " House " 40 " joint vote 48.

Mr. Logan received in the Senate 12 votes.

" " " " " House 34 " joint vote 46.

Mr. Speaker proclaimed that J. Green had received a majority of the votes of both Houses of the Legislature, and was duly and constitutionally elected prosecuting attorney for the 7th judicial circuit of the State of Arkansas for the term prescribed by law.

Mr. Speaker announced that nominations for prosecuting attorney for the 8th judicial circuit were in order.

Mr. Hill of the House, nominated Fleming Jordan.

Mr. Hampton of the Senate, nominated Richard Lyon.

Mr. Woodward of the House nominated, Wm. B. Powell.

Mr. Kearby of the House, nominated Wm. H. Johnson.

No further nominations being made, the roll was called.

Neither of the gentlemen nominated had received a majority of both Houses.

Mr. Kearby withdrew the name of Mr. Johnson.

Both Houses proceeded to a second ballot.

Mr. Jordan received in the Senate no vote.

" " " " " House 28 votes.

Mr. Lyon received in the Senate 18 votes.

" " " " " House 32 " joint vote 50.

Mr. Powell received in the Senate 3 votes.

" " " " " House 12 " joint votes 15.

Mr. Speaker proclaimed that Richard Lyon had received a majority of the votes of both Houses, and was duly and constitutionally elected prosecuting attorney for the 8th judicial circuit of the State of Arkansas for the term prescribed by law.

The object for which both Houses had convened being accomplished, the Senate retired from the House.

Mr. Noland introduced the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That the two Houses proceed to an election for Judge of the 3d judicial circuit on Wednesday next at 11 o'clock, and the Senate be requested to concur herein.

Which was laid upon the table one day.

On motion of Mr. Bertrand, the House adjourned.

TUESDAY, December 1st, 1846.

The House met pursuant to adjournment.

On motion of Mr. Brown, the House went into a recess until 11 o'clock, a. m.

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11 o'clock, A. M.

The House convened.

On motion of Mr. Forrest, the House went into further recess until 2 o'clock, p. m.

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2 o'clock, P. M.

The House convened.

Mr. Brown was called to the chair.

The journal of yesterday was read and approved.

Message from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed an act to authorize John Hardwick, to build a mill dam across White river:

Also, "an act to authorize Wm. C. Bass to be the guardian of William C. P. Dorsey."

Also, "an act granting the right of pre-emption to settlers on the 500,000 acres of land donated to the State of Arkansas, for internal improvement."

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House, entitled "an act declaring Cache river a navigable stream;"

Which is herewith returned.

Mr. Speaker resumed the chair.

On motion of Mr. Noland, leave of absence was granted Mr. Kuykendall, for six days, on account of indisposition of his family.

Petitions from counties were in order.

Mr. Bruton presented the petition of John W. Jones, praying for the passage of an act for the relief of the said Jones, as sheriff of Pope county, Arkansas.

By leave, Mr. Bruton introduced a bill to be entitled "an act for the relief of John W. Jones, as sheriff of Pope county:"

Which was read a first time and on motion of Mr. Embree, the rules were dispensed with, and said bill read a second time.

On further motion of Mr. Bruton, the rules of the House were again dispensed with and the bill read a second time.

On motion of Mr. Noland, said bill was referred to a select committee, consisting of Messrs. Noland, Bruton, and Embree.

Mr. Annis presented the petition of Elizabeth Webb, administrator of the estate of Meredith B. Webb, dec'd, praying for the passage of a law, legalizing her act in relation to said administration.

On motion of Mr. Gaines, said petition was referred to a select committee consisting of Messrs. Annis, Stotts, and Mitchell.

Reports from standing committees were now in order.

Mr. Wells from standing committee on public lands, to whom was referred a bill, to be entitled "an act to authorize and empower purchasers of the 500,000 acres of land donated to the State of Arkansas, for internal improvement purposes, to transfer and assign certificates of purchase of the same," reported the same back with an amendment, which was read a first time and adopted.

On motion of Mr. Wells, the rules were dispensed with, and said amendment read a second time.

On motion of *M*r. Bertrand, the words "be permitted to" in the amendment as reported by said committee, were stricken out.

Whereupon, said bill was read a third time and passed.

Mr. Annis from the select committee to whom was referred the bill, to be entitled "an act to enable certain citizens of Pulaski county, to erect a levy or dam across the left hand fork of the bayou La Fourche, in said county;" reported the same back without amendment, and recommended its passage.

Mr. Clarke from the select committee to whom was referred the petition of James Black and divers other citizens of Crawford county;" reported a bill, to be entitled "an act for the relief of James Black;"

Which was read a first time.

Mr. King from the select committee to whom was referred the petition of sundry citizens of Perry county, for the relief of Thomas McBath, reported a bill, to be entitled "an act for the relief of Thomas McBath;"

Which was read a first time.

Motions and resolutions were in order.

Mr. Burke gave notice that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to change the time of holding the circuit courts in the first judicial circuit of this State."

By leave, Mr. Burke introduced a bill, to be entitled "an act to fix the time of holding the different circuit courts in the first judicial circuit in the State of Arkansas;"

Which was read a first time, and on motion of Mr. Collins, said bill was referred to a select committee, consisting of Messrs. Collins, Burke, Fletcher of Mississippi, Noland, and Neill.

Mr. Wiley gave notice that he would, on to-morrow, or some convenient day thereafter, introduce a bill, to be entitled "an act to change the time of holding the probate court of Randolph county."

Mr. Williams, pursuant to notice, introduced a bill, to be entitled "an act to amend the 110th chapter of the revised statutes of Arkansas;"

Which was read a first time.

Mr. Hughes introduced the following preamble and resolution:

Whereas, the time has now arrived for this House to act upon the most important business of the session; and, whereas, our Senators in Congress have been sufficiently instructed, and our Representative often requested, by numerous resolutions passed at the present session, asking them to use all their influence for the best interest of our infant State:

Therefore, be it resolved by the House of Representatives, That no other resolutions shall be offered on this subject, by any member of this House, after the passage of this resolution;

Which was adopted.

Mr. Patterson introduced a joint resolution to amend the 7th section of the 6th article of the constitution, under the head of judicial department.

Mr. Patrick introduced the following:

Resolved, That after Wednesday, this House will hold evening sessions, commencing at 2 o'clock, p. m.;

Which was adopted.

Mr. Grimes gave notice that on to-morrow or at some convenient day thereafter, he would ask leave to introduce a bill, to change the time of holding courts in the 3d judicial circuit.

Mr. Grimes introduced the following:

Resolved, That the standing committee on ways and means be instructed to inquire into the propriety of introducing a bill, to require the financial receiver, of the Bank of the State of Arkansas, at Little Rock, to pay over to the State Treasurer, all the Real Estate Bank paper on hand, in said Bank, subject to the order of this General Assembly;

Which was adopted.

Mr. Murphy, pursuant to notice, introduced a bill, to be entitled "an act to authorize Abraham Whinnery, as administrator of the estate of Calvin Boatwright, dec'd, to sell real estate of said deceased;

Which was read a first time.

Mr. Anthony from the committee on enrollments, reported correctly enrolled, "an act to amend an act entitled an act to regulate the price and sale of the 500,000 acres of land."

Mr. Gould introduced the following:

Resolved, That the committee on the judiciary be instructed to report what amendments to the law are rendered necessary, by the amendments of the constitution, and report by bill or otherwise;

Which was adopted.

Mr. Clarke introduced the following joint resolution:

Resolved, That with the concurrence of the Senate, herein, that the two Houses of this General Assembly, will convene in the Representative Hall on to-morrow, for the purpose of electing, an Auditor and Treasurer.

Mr. Clarke moved to dispense with the rules, that said resolution might be added on;

Which was lost.

Mr. Garner gave notice, that on to-morrow or some day thereafter, he would introduce a bill accompanied by a petition from one hundred and twenty citizens of Chicot county, to be attached to the county of Drew, and for other purposes.

On motion of Mr. Noland, the rules were dispensed with, and the joint resolution to go into the election of judge, for the 3d judicial circuit, on Wednesday next, at 11 o'clock;

Was taken up.

Mr. Patrick offered the following amendment:

And "also, a treasurer for the State;

Which was lost.

The question then arose upon the adoption of the original resolution, which was sustained and said resolution adopted.

Mr. Bertrand offered the following:

Resolved, That the committee on public lands be instructed to report immediately, to this House, their action upon a bill, referred to them, entitled "an act concerning the 500,000 acres of land, donated to this State, for internal improvement purposes;"

Which was adopted.

On motion of Mr. Gould, the bill, to be entitled "an act to provide for revising and digesting the statute laws of Arkansas;"

Was taken up and read a first time.

Mr. Croft moved that three hundred copies of said bill, for the use of the House, be printed;

Which was lost.

On motion of Mr. Gould, one hundred copies of said bill was ordered to be printed, for the use of the House of Representatives.

On motion of Mr. Bertrand, the house adjourned.

WEDNESDAY, December 2d, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Message from the Senate by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives, entitled "an act for the collection of the county, levy, and revenue taxes, in the county of Yell, for the year 1846."

Also, "an act to declare Big Creek a navigable stream:"

Also, a joint resolution instructing our delegation in Congress, to use their influence to procure the establishment of a weekly mail route, by horse conveyance, from Helena in Phillips county, through

Spring Creek settlement, and B. Tully's settlement, to Oldham post-office;

All of which are herewith returned.

The Senate have passed a bill, to be entitled "an act to exempt Conway county, from the 20th, 21st, and 22d sections of the 39th chapter of the revised statutes:"

Also, a joint resolution instructing our delegation in Congress, to procure the establishment of a mail route, from Dwight, by way of James Menifees, Richard Griffins, and Glasses village, in Conway county, to Clinton in Van Buren county;"

All of which are herewith transmitted for the assent of your honorable body.

Petitions from counties were in order.

Reports from standing committees were in order.

Mr. Bertrand, from the committee on the judiciary, to whom was referred a bill, to be entitled "an act concerning Slaves;"

Reported the same back without amendment, and recommended its passage.

Mr. Noland, from the committee on the judiciary, to whom was referred a bill, entitled "an act to amend the act concerning forcible entry and detainer;" reported the same back and recommended its passage.

Mr. Murphy from the committee on the judiciary, to whom was referred the bill, entitled "an act to change the time of holding the circuit courts in the 4th judicial circuit;" reported the same back with an amendment, as follows:

By striking out in the third section the words "as passage," and inserting the words "the 1st day of January next," and recommend the passage of said bill, as amended.

Reports from select committees were in order.

Mr. Annis from the committee to whom was referred the petition of Elizabeth Webb, reported a bill, to be entitled "an act to legalize the division of the estate of Meredith B. Webb, dec'd, among his widow and heirs;"

Which was read a first time, and on motion of Mr. Annis, the rules were dispensed with, and said bill read a second and third time and passed.

Mr. Brown was called to the chair.

Mr. Noland, from the committee on the judiciary, to whom was referred a bill to be entitled an act for the relief of John W. Jones, sheriff of Pope county, reported the same back and recommended its passage.

Mr. Bruton moved to dispense with the rules, so that said bill might be read a third time.

Which was lost.

Motions and resolutions were in order.

On motion of Mr. Kelly, the orders of the day were taken up.

The bill to be entitled an act to amend the law in relation to billiard tables and ten-pin alleys, approved January 8th, 1845, was taken up and read a third time.

The question was then taken upon the adoption of the report of the committee to whom said bill was referred: which said report was adopted, and said bill laid upon the table until some day beyond the present session of this General Assembly.

The bill to be entitled an act to amend the first section of an act concerning limitations, approved December 14th, 1844, was taken up and read a third time.

On motion of Mr. Fletcher of Mississippi, said bill was laid upon the table until some day beyond the present session of this General Assembly.

The bill entitled an act to amend the 80th chapter of the Revised Statutes, in relation to Interest, with the report of the committee on the judiciary, to whom said bill was referred, was taken up and read a third time.

The question then arose on the adoption of the report, suggesting the inexpediency of the passage of said bill: which report was adopted, and said bill laid upon the table until some day beyond the present session of this General Assembly.

The report of Mr. Fletcher of Mississippi, from the committee on the judiciary, to whom was referred the bill to be entitled an act to amend the 106th chapter of the Revised Statutes, under the head of Administration, substituting an act entitled as the original as a substitute therefor, was taken up and read, and the substitute adopted, and read a first time.

The bill to be entitled an act for the preservation of the rights of married women, as amended, was taken up and read a third time.

Mr. Rust moved the previous question: which motion was sustained; and the question then arose upon the passage of the bill.

Mr. Cromwell called for the yeas and nays: which were ordered, and the roll was called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Clarke, Collins, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Hill, Kelly, Kendall, Lindsey, Noland, Ramsey, Sharp, Stout, Thompson, Tully, Turner, Whittington, Woods and Mr. Speaker—30.

Those voting in the negative, are

Messrs. Billingsly, Buchanan, Burke, Childers, Clements, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Griffin, Grimes, Hammock, Halcomb, Hughes, Jeffrey, Kearby, King, Leslie, Marshall, Matlock, Mitchell, Murphy, Neill, Patrick, Patterson, Pettigrew, Robinson, Sadler, Stotts, Turman, Wells, Wiley, Williams, Woodward, and Wright—38.

So the bill was lost.

The bill to be entitled an act to repeal the 42d section of an act to establish a system of common schools in Arkansas, was taken up, and read a third time, and passed.

The bill entitled an act supplementary to the 44th chapter of the Revised Statutes, under the head of Criminal jurisprudence, as amended, was taken up, read a third time, and passed.

The report from the committee on the judiciary, to whom was referred the bill of the Senate to repeal an act to authorize a geological examination of the State, reporting against the propriety of the House assenting to said bill, was taken up, read, and adopted.

The bill of the House, entitled an act to incorporate the city of Camden, was taken up, read, the amendment of the Senate concurred in, and said bill passed as amended.

The report of the committee on the judiciary, to whom was referred the bill to be entitled an act for sinking a salt well in Crawford county, was taken up, read, and adopted. So said bill was lost.

The report of the committee on internal improvements, to whom was referred a bill to be entitled an act amendatory to an act to provide for sinking a salt well in Van Buren county, approved 9th January, 1845, was taken up, and read.

The question was upon the adoption of said report.

Mr. Grimes called for the yeas and nays: which being ordered, the roll was called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Collins, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Featherston, Fletcher of Pulaski, Forrest, Garner, Gould, Griffin, Hill, Halcomb, Hughes, Jeffrey, Kearby, Kelly, Kendall, Marshall, Matlock, Pettigrew, Robinson, Sadler, Sharp, Stout, Thompson, Wells, Whittington, Wiley, Williams, Woodward and Wright—49.

Those voting in the negative, are

Messrs. Childers, Clements, Fletcher of Mississippi, Grimes, Hammock, King, Leslie, Murphy, Neill, Ramsey, Stotts, Turman, Turner and Woods—16.

So the report was adopted, and said bill lost.

The bill to be entitled an act for the relief of Isham and Joseph Enlow, was taken up, and read a third time.

Mr. Croft offered the following amendment: by striking out the words "of spirituous liquors." Which was rejected.

The question was then taken upon the final passage of the bill: which was sustained, and the bill passed.

The bill to be entitled an act to repeal the 5th section of the Revised Statutes, chapter 72, under the head of Guardian and Ward, was taken up, read a third time, and passed.

The report of the committee on the judiciary, to whom was referred an act to revive the 61st chapter of the Revised Statutes, under the head of Fees, was taken up, read, and adopted.

So said bill was lost.

The joint resolution proposing amendments to the Constitution, so as to allow the legal and qualified voters of each and every county to elect their county judges, and also to allow the qualified voters composing each judicial circuit to elect their prosecuting attornies, was taken up, and read a third time; and the Constitution requiring the yeas and nays in such cases to be taken, they were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Burke, Buchanan, Childers, Clarke, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Mitchell, Murphy, Neill, Noland, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turman, Turner, Wells, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker——67.

None voting in the negative.

So the joint resolution to change the Constitution was adopted.

The joint resolution to merge the office of Land Agent in that of the Secretary of State, was taken up and read.

On motion of Mr. Rust, said resolution was postponed indefinitely.

The memorial to the Congress of the United States, praying a donation to the State of Arkansas of each alternate section of land lying on the St. Francis river, to be used and appropriated for the improvement of said stream, was taken up, read and passed.

The joint resolution instructing his Excellency to appoint three commissioners, whose duty it shall be, after giving thirty days notice in all the papers published in this State, to receive sealed proposals for the re-building of the penitentiary with the assistance of the convicts, was taken up and read.

Mr. Rust offered the following amendment: "at least one paper in Louisville, Cincinnati, St. Louis, and Memphis."

Which amendment was adopted.

Mr. Noland offered the following amendment: strike out the word "thirty" and insert "sixty" in lieu thereof.

Which was adopted.

Mr. Rust offered a resolution as an amendment to the original:

Resolved, That the committee on the penitentiary be instructed to close a contract with Mr. Brodie or any other person, who with the materials of the old penitentiary, the labor of the convicts and the sum of ten thousand dollars to be paid him by the State, will build a penitentiary as large as may be necessary for the purposes of the State, and will enter into bond with good security conditioned for the execution of the work in a reasonable time, of good materials, in the most substantial manner, upon a plan approved by the committee; and that the Senate be requested to concur herein.

Mr. Gould offered the following:

Resolved, That we deem it expedient to re-build the penitentiary.

Mr. Marshall called for the yeas and nays upon the adoption of said resolution: which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Billingsly, Brickey, Brown, Burke, Clements, Collins, Croft, Embree, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gould, Hughes, Kearby, Kendall, Matlock, Mitchell, Neill, Noland, Patrick, Patterson, Stout, Thompson, Turman, Turner, Woods, Woodward and Mr. Speaker—35.

Those voting in the negative, are

Messrs. Bruton Buchanan, Childers, Cromwell, Cross, Dennis, Dunn, Featherston, Forrest, Gentry, Griffin, Grimes, Hammock, Hill, Halcomb, Jeffrey, Kelly, King, Leslie, Lindsey, Marshall, Murphy, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Tully, Wells, Wiley, Williams and Wright—33.

So said resolution, as offered by Mr. Gould, was adopted.

Mr. Noland introduced the following resolution:

Resolved, That the committee on the penitentiary be instructed to report to this House, at as early a day as practicable, the terms on which the penitentiary can be re-built.

Which was adopted.

Mr. Bertrand submitted the plan of the penitentiary to be built as laid out by Mr. Brodie, and

On motion of Mr. Bertrand, the same was referred to the committee on the penitentiary.

The joint resolution instructing our Senators and requesting our Representative to procure the mail to be carried tri-weekly in two-horse post coaches, from Batesville, Independence county, to Fayetteville, in Washington county, was taken up, read, and adopted.

Mr. Speaker resumed the Chair.

By leave, Mr. Bertrand introduced a bill to be entitled an act to fix the time of holding the circuit courts in the 5th judicial circuit.

Which was read a first time, and

On motion of Mr. Bertrand, the rules of the Senate were dispensed with, and the bill read a second time, and referred to the committee on the judiciary.

By leave, Mr. Wiley introduced a bill to be entitled an act to change the time of holding the probate court in Randolph county.

On motion of Mr. Wiley, the rules were dispensed with, and said bill read a second time.

Mr. Annis offered an amendment: which was rejected.

On further motion of Mr. *Wiley*, said bill was referred to a select committee, consisting of

Messrs. *Wiley*, Anthony and Clements.

By leave, Mr. Grimes introduced a bill to be entitled an act to change the time of holding the circuit court in the third judicial circuit.

On motion of Mr. Grimes, the rules were dispensed with, and said bill read a second time.

On motion of Mr. Fletcher of Mississippi, said bill was referred to a select committee, consisting of

Messrs. Collins, Burke, Fletcher of Mississippi, Noland and Neill.

By leave, Mr. Stout gave notice that on to-morrow he would introduce a bill to be entitled an act to authorize justices of the peace to try all cases of covenant under one hundred dollars.

Mr. Brown, from the committee on the judiciary, to whom was referred the bill to be entitled an act to amend the 1st, 4th, and 5th sections of chapter 102 of the Revised Statutes, under the head of Ne Exeat, by leave, reported said bill back to the House as inexpedient.

Also,

An act to amend the law in relation to Dower, and recommend its passage.

On motion of Mr. Patrick, the bill introduced by him heretofore, and read a second time, entitled an act to amend the road laws, approved January 9th, 1845, was taken up, and referred to a select committee, consisting of

Messrs. Patrick, *Woodward* and Cromwell.

By leave, Mr. Murphy, from the committee on the judiciary, to whom was referred a bill to be entitled an act to repeal and amend the latter part of section 1st of an act approved 3d of February, 1843, under the head of Imprisonment in Civil Cases, reported a substitute for said bill.

The preamble and joint resolution praying the modification of the compact between the United States and the State of Arkansas, in relation to the revenue lands, was taken up, read, and lost.

The joint resolution instructing our Senators and requesting our Representative to procure the establishment in our State of a *Western* District, including the Indian country, and therein establish at the city of Van Buren, a United States District Court, was taken up, and adopted.

The joint resolution of the Senate instructing our delegation in Congress to procure the establishment of a weekly mail route, from Marion, in Crittenden county, on the Tirongee road, by the house of James Dunn, to Walnut Camp, in Poinsett county, was taken up, read, and concurred in.

Message from the Governor, by Mr. Speaker.

Executive Office, Little Rock, Dec. 2d, 1846.

To the President of the Senate and
Speaker of the House of Representatives:

Gentlemen—I herewith transmit you the resignation of the Hon. William Conway, B., as judge of the 3d judicial circuit for the State of Arkansas, of this date.

Most respectfully,
THOMAS S. DREW.

On motion of Mr. Woods, the House took a recess until 2 o'clock, p. m.

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2 o'clock, P. M.

The House convened.

The bill to be entitled "an act to incorporate the Baptist Church of Mount Zion," was taken up and read a second time.

The bill to be entitled "an act to lay out and establish a road from the Missouri line near Washburns Prairie, to the town of Huntsville, in Madison county, and from thence to the town of Ozark, in Franklin county, from thence the most direct and best route to Washington, in Hempstead county, from thence to intersect the road leading from New Madrid to Texas, to be known as the State road for the use of the State of Arkansas," was taken up and read a second time, and on motion of Mr. Fletcher of Mississippi, referred to the committee on internal improvements.

By leave, Mr. Croft introduced the following resolution:

Resolved, That the resolution adopted by the House on yesterday, requiring the House to hold evening sessions, be and the same is hereby rescinded until the standing committees can have time to report in full and are discharged from any further duties as such committees.

Mr. Brown was called to the Chair.

Mr. Rust offered the following substitute for said resolution:

Resolved, that hereafter this House shall convene at 9 o'clock, A. M., and a motion to adjourn shall not be in order until 2 o'clock, P. M.

Which was adopted.

The substitute bill to the bill to be entitled "an act to amend the 6th section of the 31st chapter of the Revised Statutes, under the head of dower," was taken up, read and adopted.

Mr. Speaker resumed the chair.

Mr. Wells moved an adjournment.

Which was lost.

Mr. Collins moved to take up the report of the committee to mark out the line between Missouri and Arkansas.

Which was lost.

The bill from the Senate, to be entitled "an act to declare the Buffalo Fork of White river a navigable stream," was taken up and read a first time.

On motion of Mr. Leslie, the rules were dispensed with, and said bill was read a second and third time and passed.

The bill to be entitled "an act to abolish the treasury warrant system," was introduced by Mr. Bertrand.

Mr. Bruton moved to reject said bill.

Mr. Brown was called to the chair.

Mr. Bertrand called for the ayes and nays.

Mr. Cromwell moved an adjournment.

Which was lost.

The ayes and nays being ordered, the roll was called.

Those voting in the affirmative are,

Messrs. Bennett, Bruton, Buchanan, Childers, Clarke, Croft, Cross, Dennis, Griffin, Holcomb, Jeffrey, Kearby, Leslie, Lindsey, Marshall, Matlock, Mitchell, Pettigrew, Robinson, Sharp, Turner, Wells, Wiley, Woodward, Wright and Mr. Speaker—29.

Those voting in the negative are,

Messrs. Abraham, Annis, Anthony, Bell, Bertrand, Brickey, Brown, Burke, Clements, Collins, Cromwell, Crutchfield, Embree, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Grimes, Hammock, Hill, Hughes, Kelly, Kendall, King, Murphy, Neill, Noland, Patrick, Patterson, Ramsey, Sadler, Stotts, Stout, Thompson, Turman, Whittington and Woods—41.

So the House refused to reject said bill.

On motion of Mr. Wiley, the House adjourned.

THURSDAY, December 3d, 1846

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Message from the Senate.

Mr. Speaker—I am instructed to inform your Honorable body, that the Senate have passed a bill to be entitled "an act to change the time of holding the county court in Carrol county."

Which is herewith transmitted for assent of the House of Representatives.

The Senate have assented to the bill of the House entitled 'an act to exempt the individuals composing the association of the Little Rock Fire Company, from serving on juries or performing militia duty."

Also, "an act to revive the 39th section of the 60th chapter of the Revised Statutes."

All of which are herewith returned.

Petitions from counties were in order.

On Motion of Mr. Buchanan, leave of absence was granted to Mr. Billingsly.

On motion of Mr. Hill, leave of absence was granted to Mr. Kearby.

Mr. Brown was called to the chair.

Mr. Kelly presented the petition of J. H. Kirkham, and divers other citizens of Pike, praying the extension of her territory; which was referred to a select committee, consisting of Messrs. Hill, Kelly and Gentry.

Mr. Burke presented the petition of *W.* H. Ringo and John Preston, praying relief and payment, by an act of this House, for services by them rendered as attorneys at law on the part of the State.

On motion of Mr. Burke, said petition was referred to the committee on banks.

Mr. Grimes presented the petition of John Quinly, as sheriff of the county of Conway, praying for relief from the General Assembly, by extending his term of making his official returns to the proper officer.

*W*hich said petition, on motion of Mr. Grimes, was referred to a select committee, consisting of Messrs. Griffin, Annis and King.

Mr. Garner presented the petition of divers citizens of the county of Chicot, praying relief, accompanied by a bill to be entitled "an act to attach a part of Chicot county to the county of Drew."

Which was read a first time.

Reports from standing committees were in order.

Mr. *W*ells, from the committee on public lands, to whom was referred the bill to be entitled "an act to repeal the 7th section of the act approved the 2d day of February 1843, to authorize a geological examination of this State," reported the same back without amendment and recommended its passage.

Mr. Gould, from the committee on counties and county lines, to whom was referred the bill to establish the county of Ashley and the accompanying petitions, reported against the expediency of the passage of said bill.

Mr. Croft introduced a substitute for the original bill.

Which was rejected.

On motion of Mr. Fletcher of Mississippi, said report was adopted.

So the original bill was lost.

Mr. Gould, from the committee on counties and county lines, to whom was referred the petition of S. M. Halleville and others, praying for the establishment of a county to be called 'Eden,' reported against the expediency of establishing said county.

Which was adopted.

Mr. Gould, from the same committee to whom was referred the petitions of sundry citizens of the counties of White, Pulaski, Monroe and St. Francis, praying for the establishment of a county to be called 'Taylor,' reported the establishment of said county inexpedient.

Which was adopted.

Reports from select committees were in order.

Mr. Childers, from the select committee to whom was referred the petition of C. W. Halcomb, a citizen of Lawrence county, praying relief as a volunteer in the United States Army, reported that said committee deemed it inexpedient for the General Assembly of this State to investigate or take cognizance of such claims, but that they are claims peculiarly proper to be investigated and passed upon by the Congress of the United States, and recommend the adoption of the following joint resolution.

Resolved by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative in Congress requested to use all proper exertions with the General Government to compensate all those citizens of Arkansas, who left their homes under the Governor's proclamation calling for volunteers, and marched to different points and refused to be mustered in the service of the United States.

Which, said report and resolution was adopted.

Motions and resolutions were in order.

Mr. Clarke gave notice that he would on to-morrow introduce a bill to be entitled "an act to amend the militia law."

Mr. Wells gave notice that on to-morrow or some day thereafter, he would ask leave to introduce a bill to apportion the Senators and Representatives amongst the several counties in this State, according to the provision of the Constitution of this State.

Mr. Brickey gave notice that on to-morrow or some convenient day thereafter, he would ask leave to introduce a bill to authorize the election of assessor in each county in this State.

Mr. Embree offered the following joint resolution:

Resolved by the General Assembly of the State of Arkansas, That they propose the following amendment to the 11th section of the 4th article of the Constitution, that no defaulting Bank debtor shall be eligible to a seat in either House of the General Assembly of the State of Arkansas.

And be it further resolved, That they propose the further amendment to the 4th section of the 6th article of the Constitution, by striking out the words 'not less than five nor more than seven,' and insert in lieu thereof the words 'not less than ten nor more than fifteen."

Which was adopted.

Mr. Tully gave notice that on to-morrow he would ask leave to introduce a bill to regulate the fees of attornies for the State in certain cases.

Mr. Croft gave notice that he would on next Saturday or on some day thereafter, ask leave to introduce a bill to require the warrants on the State Treasury to be received in payment of the public lands belonging to the State.

Mr. Hughes gave notice that on to-morrow or some convenient day thereafter, he would ask leave to introduce a bill to authorize Benj. F. Spencer of Saline county, to peddle without license.

Mr. Woodward, pursuant to notice, introduced a bill to be entitled "an act to repeal the 11th section of the 148th chapter of the Revised Statutes."

Which was read a first time.

Mr. Rust introduced the following:

Resolved, That a select committee of three be appointed to enquire into the propriety and justice of equalizing the terms upon which citizens of this State have been permitted to purchase the 500,000 acres of land donated to the State of Arkansas by the General Government, and report by bill or otherwise as soon praticable."

Messrs. Fletcher of Mississippi, Embree and Cromwell, were appointed upon said committee.

Mr. Stout, pursuant to notice, introduced a bill to be entitled "an act to define the duties of justices of the peace in civil cases;"

Which was read a first time.

Mr. Stout gave notice that on some convenient day, he would ask leave to introduce a bill to be entitled "an act to amend the act approved 2d February, entitled an act to authorize a geological survey of the State of Arkansas."

Mr. Speaker resumed the chair.

The orders of the day were taken up.

Message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill entitled "an act to regulate the time of holding the circuit court within the 8th judicial circuit of this State;" which is herewith submitted.

Mr. Woodward moved a re-consideration of the vote taken upon the final passage of a bill to be entitled "an act for the preservation and protection of the rights of married women."

Mr. Leslie called for the ayes and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bertrand, Brickey Brown, Buchanan, Burke, Clarke, Collins, Crutchfield, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Hill, Halcomb, Hughes, Kelly, Kendall, King, Neill, Noland, Patrick, Patterson, Ramsey, Sharp, Stout, Thompson, Tully, Turman, Whittington, Woods, Woodward, and Mr. Speaker—40.

Those voting in the negative, are

Messrs. Bruton, Childers, Croft, Cromwell, Cross, Dennis, Dunn, Forrest, Griffin, Grimes, Hammock, Jeffrey, Leslie, Marshall, Matlock, Mitchell, Murphy, Pettigrew, Robinson, Sadler, Stotts, Turman, Wells, Wiley, Williams, and Wright—26.

So the motion to reconsider said bill was sustained.

The bill was taken up and read.

Mr. Embree moved to amend said bill as follows: strike out the 7th section and insert the following in lieu thereof:

"*Be it further enacted,* That nothing in the preceding sections of this act shall be so construed as in any manner to affect any person or persons, that may be joined together as man and wife, at the time of the passage of this act."

Mr. Rust offered the following as a substitute for the amendment of Mr. Embree, to wit:

Sec. 7. *Be it further enacted,* That before any married woman can avail herself of the privilege and benefit of this act, she and her husband shall make out a schedule of the property devised through her, under oath, which shall be verified by the oath of some other respectable person, which schedule shall be filed in the recorder's office of the county, within which the property is, as well as in which they live.

Sec. 8. *Be it further enacted,* That the operations of this act shall not interfere with the collection of debts already contracted by any married man, or which shall hereafter be contracted, before the filing of the schedule referred to in the preceding section."

Which substitute was adopted in lieu of the amendment proposed by Mr. Embree.

Mr. Marshall moved to lay the bill together with the amendment on the table until the 4th July next.

Mr. Marshall called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative are

Messrs. Bruton, Childers, Clements, Croft, Cromwell, Cross, Dennis, Dunn, Forrest, Griffin, Grimes, Hammock, Jeffrey, Leslie, Marshall, Matlock, Mitchell, Pettigrew, Robinson, Sadler, Sharp, Stotts, Turman, Wells, Wiley, Williams, and Wright—27.

Those voting in the negative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Buchanan, Burke, Clarke, Collins, Crutchfield, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Hill, Halcomb, Hughes, Kelly, Kendall, King, Lindsey, Murphy, Neill, Noland, Patrick, Patterson, Ramsey, Stout, Thompson, Tully, Turner, Whittington, Wells, Woodward, and Mr. Speaker—41.

So the motion to lay on the table was lost.

Mr. Croft offered an amendment; which.

On motion of Mr. Collins, was laid on the table.

The question then arose upon the final passage of the bill.

Mr. Dunn called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Buchanan, Clarke, Collins, Crutchfield, Farmer, Featherston, Fletcher, of Mississippi, Fletcher, of Pulaski, Garner, Gentry, Gould, Hill, Halcomb, Hughes, Jett, Kelly, Kendall, King, Lindsey, Noland, Patrick, Patterson, Ramsay, Stout, Thompson, Tully, Turner, Whittington, Woods, Woodward, and Mr. Speaker—39.

Those voting in the negative, are

Messrs. Bruton, Burke, Childers, Clements, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Griffin, Grimes, Hammock, Jeffrey, Leslie, Marshall, Matlock, Mitchell, Murphy, Neill, Pettigrew, Robinson, Sadler, Stotts, Sharp, Turman, Wells, Wiley, Williams, and Wright—31.

So the bill was passed.

On motion of Mr. Noland, the House adjourned.

FRIDAY, December 4th, 1846.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Crutchfield was called to the chair.

Mr. Speaker announced that petitions from counties were in order.

Reports from standing committees were in order.

Mr. Fletcher of Miss., from the committee on ways and means, instructed to enquire into the expediency of directing the Financial Receiver of the principal bank at Little Rock, to pay over to the State treasury, all the Real Estate Bank paper on hand in the State Bank, subject to the order of the General Assembly, made the following report:

"The committee on ways and means have had the inquiry under consideration, and perceive no fiscal advantage, the State from placing in the treasury the depreciated issues of the Real Estate Bank, if as the committee have reason to suppose, the inquiry looks beyond the mere transfer of unavailable funds, from one public functionary to another, and the end sought to be reached is the sale of their issues for par funds, or else their payment out to claimants on the treasury at a commuted rate of value; then, this committee feels itself warranted in saying that it would be a project unwise, wasteful and improvident, and ought not to be adopted by this General Assembly; for this depreciated bank paper, although unavailable—for present purposes—will, in all likelihood, be absorbed by State bonds, now and hereafter to be collected by the Real Estate Bank in the progress of its liquidation. The committee therefore, ask to be discharged from the further consideration of the subject.

Which was adopted.

Mr. Brown, from the committee on the judiciary, to whom was referred the bill to be entitled "an act concerning pedlers," reported against the passage of said bill, and recommend that the same be laid upon the table until the 1st day January, 1847; which was adopted.

Mr. Gould, from the committee on counties and county lines, to whom was referred "a bill to be entitled an act to change and define the line between the counties of Johnson and Newton," reported the same as inexpedient;

Which report pas adopted.

Mr. Gould, from the committee on the judiciary, to whom was referred "a bill to be entitled an act to require justices of the peace to certify the completing of improvements on donation claims, and for other purposes," reported a substitute bill entitled "an act to compensate justices of the peace, for services performed under the 5th section of an act entitled an act to donate to actual settlers the right of the State to certain forfeited lands, approved 23d Decembef, 1840."

*W*hich substitute was adopted, and read a first time.

Mr. Gould, from the committee on counties and county lines, to whom was referred the petition of *W*illiam Barkman and others, citizens of Dallas county, together with the accompanying bill, reported the passage of said bill as inexpedient.

W hich report was adopted, and the bill lost.

Message from the Senate by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives, entitled "an act to amend the 8th chapter of the revised statutes," with four amendments, in which your honorable body is respectfully asked to concur.

Mr. Croft, from the committee on internal improvements, to whom was referred the bill to be entitled " an act to lay out a State road from the Missouri line to the Southern part of this State," reported the same as inexpedient."

*W*hich said report was adopted.

Mr. Anthony, from the committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report the following correctly enrolled:

"An act declaring L'Anguille river a navigable stream."

"An act to authorize the probate court of *W*ashington county to appoint Riley Buchanan as guardian of the minor heirs of Chambers Buchanan, dec'd."

"An act to declare Cache river a navigable stream."

"A joint resolution asking Congress for a donation of all the vacant lands subject to inundation by the Mississippi, within the limits of this State."

"An act to amend the 58th chapter of the revised statutes, under the head of estrays."

"An act to declare St. Francis river a navigable stream."

"An act to change in part the manner of commencing suits in the circuit courts of this State."

"A resolution instructing the Secretary of State to transmit to our delegation in Congress all memorials, resolutions and acts, as they pass."

All of which are herewith returned.

Reports from select committees were in order.

Mr. Halcomb, from the select committee, to whom was referred the petition of divers citizens of the town of Napoleon, reported a bill to be entitled "an act to levy the town of Napoleon," and recommend its passage.

Which said bill was read a first time; and

On motion of Mr. Embree, the rules were dispensed with, and said bill was read a second time.

On further motion of Mr. Robinson, the rules were dispensed with, and said bill read a third time and passed.

Mr. Griffin, from the select committee to whom was referred the petition of John Quindly, as sheriff of Conway county, reported a bill to be entitled "an act for the relief of John Quindly, sheriff of Conway county;"

Which was read a first time.

Mr. Patrick, from the select committee to whom was referred a bill to be entitled "an act to amend an act to amend the road laws, with an amendment thereto," reported a substitute bill to be entitled "an act to amend an act entitled an act to amend the road laws."

Which said report was adopted, and said substitute read a first time.

Motions and resolutions were in order.

Mr. Clarke, pursuant to notice, introduced a bill to be entitled "an act to amend the militia law of this State,"

Which was read a first time; and

On motion of Mr. Clarke, the rules were dispensed with, said bill read a second time, and referred to the committee on the judiciary.

Mr. Brown introduced the following resolution:

Resolved, That the standing committee on the judiciary, be instructed to enquire into the expediency of establishing separate chancery courts, and be authorized to report by bill or otherwise.

Which was lost.

Mr. Farmer gave notice that on to-morrow, he would ask leave to introduce a bill to extend the time for sheriffs and ex-sheriffs, to settle the revenue of 1846, to the 20th day of January, 1847.

Mr. Noland, pursuant to notice, introduced a bill to be entitled "an act empowering the county courts to correct errors in the assessment of lands in certain cases,"

Which was read a first time; and

On motion of Mr. Noland, read a second time, and referred to the committee on the judiciary.

Mr. Brickey, pursuant to notice, introduced a bill to be entitled "an act authorizing the election of assessor for each county in this State;"

Which was read a first time; and

On motion of Mr. Brickey, the rules were dispensed with, said bill read a second time, and referred to the committee on the judiciary.

Mr. Jeffrey gave notice that on to-morrow, or some day thereafter, he would introduce a bill to be entitled "an act to establish the county seat of Izard county."

Mr. Embree, pursuant to notice, introduced a bill to be entitled "an act to protect the property of married women."

Which was read a first time.

Mr. Croft moved to reject said bill, which was lost.

Mr. Tully, pursuant to notice, introduced a bill to be entitled "an act to regulate the fees of attorneys for the State in certain cases."

Which was read a first time; and

On motion of Mr. Tully, the rules were dispensed with, and said bill read a second time.

On motion of Mr. Fletcher of Miss., said bill was referred to the committee on the judiciary.

Mr. Forrest gave notice that on to-morrow, or some other day thereafter, he would introduce a bill to be entitled "an act to make appropriations for all dues from the State to the several officers of this State, and for other purposes."

Mr. Clements, pursuant to notice, introduced a bill to be entitled "an act to establish the line between the counties of Carroll and Marion;"

Which was read a first time; and

On motion of Mr. Leslie, said bill was read a second time, the rules being dispensed with, and referred to the committee on the judiciary.

Mr. Bertrand, pursuant to notice, introduced a bill to be entitled "an act to amend the practice at law;"

Which was read a first time; and

On motion of Mr. Bertrand, the rules were dispensed with, and said bill read a second time, and referred to the committee on the judiciary.

Mr. Bertrand, pursuant to notice, introduced a bill to be entitled "an act concerning limitations."

Which was read a first time, and on motion of Mr. Bertrand, the rules were dispensed with, said bill read a second time and referred to the committee on the judiciary.

Message from the Senate.

"*Mr. Speaker*—I am instructed to inform your honorable body, that the Senate have passed a resolution for the relief of Larremore and Thornsburry."

Which is herewith transmitted for the concurrence of the House of Representatives.

Mr. Kendall, pursuant to notice, introduced a bill to be entitled "an act to authorize Wm. Keller of Phillips county, as administrator of the estate of Press G. Kennett deceased, to sell certain real estate, and for other purposes..

Which was read a first time.

Mr. Wiley gave notice that he would on to-morrow or some other convenient day, introduce a bill entitled "an act to amend section .80th of chapter 4th of the Revised Statutes of Arkansas, under the head of administration."

Mr. Hughes, pursuant to notice, introduced a bill to be entitled "an act to authorize Benj. F. Spencer of Saline, to peddle without licence."

Which was read a first time.

Mr. Patterson introduced the following:

Resolved, That hereafter the bills for the digesting of the laws of this State, for the raising of revenue, and for increasing the range of taxable property, and the bills for apportionment, for appropriation and upon the liquidation of the State Bank, and for distribution of the 500,000 acre fund among the several counties, when introduced, are hereby declared to be the special and privileged orders of the day in the orders in which they are named, until finally disposed of.

Mr. Patrick introduced a joint resolution to rescind the resolution heretofore passed by the House, fixing the 7th inst. as the time and day for the adjournment of this House *sine die*, and to fix the 19th inst. in lieu thereof, as the day of the final adjournment of this House.

On motion of Mr. Gould, the rules were dispensed with, and said resolution read.

Mr. Bertrand offered the following amendment, by striking out 'Saturday 19th inst.,' and insert 'Monday 21st inst.' in lieu thereof.

Mr. Hill offered an amendment by inserting the words '14th inst.' in lieu of '19th inst.' in the original resolution.

The question was then upon the original resolution as offered by Mr. Patrick.

Whereupon, Mr. Bertrand moved to strike out the words and figures '19th inst.'

Which was sustained.

On motion of Mr. Rust all that part of said resolution after the word 'rescinded' was stricken out.

The question then arose upon the adoption of the original resolution as amended.

*W*hich was sustained, and said resolution as amended, adopted.

Mr. Rust, pursuant to notice, introduced a bill to be entitled "an act to equalize and render uniform the terms upon which citizens of this State have purchased the 500,000 acres of land donated to the State of Arkansas, by the General Government for internal improvement purposes.

On motion of Mr. Rust, the rules were dispensed with, said bill read a second time and referred to the committee on public lands.

Mr. Stout, pursuant to notice, introduced a bill to be entitled "an act to amend the act approved 2d of February 1843, entitled an act to authorize a geological examination of the State of Arkansas."

Which was read a first time, and on motion of Mr. Stout, the rules were dispensed with, and said bill read a second time and referred to a select committee, consisting of Messrs. Stout, Sharp, Marshall, Murphy and Childers.

Mr. Speaker resumed the Chair.

Mr. Lindsey gave notice that on to-morrow he would ask leave to introduce a bill to amend the law in relation to the fees of sheriffs in the several counties of this State.

Mr. Lindsey introduced the following:

Resolved, That the committee on the judiciary be instructed to enquire into and report to this House, whether any law is now in existence, to compel justices of the peace to pay over monies received by them on notes placed in their hands for collection.

Which was adopted.

Mr. Lindsey, with leave, presented a memorial to the Congress of the United States, praying the establishment of a mail route from Little Rock to Jackson, Missouri.

Which was read a first time, and on motion of Mr. Bertrand, the rules were dispensed with, and memorial read a second time.

On motion of Mr. Lindsey, was referred to a select committee, consisting of Messrs. Lindsey, Pettigrew and Williams.

Mr. Anthony, from the select committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report correctly enrolled the following:

"A bill to be entitled an act to revive the 39th section of the 110th chapter of the Revised Statutes."

"An act to exempt the individuals comprising the association called the Little Rock Fire Company, from serving on juries or performing militia duty."

Which are herewith returned.

The orders of the day were taken up.

The memorials of the Senate, praying the Congress of the United States to donate to the State of Arkansas all the unappropriated land situated in the counties of Randolph, Green, Mississippi, Crittenden, Poinsett, St. Francis, Jackson and Monroe, to remove the obstructions in the St. Francis, Black, Current, and Eleven Point rivers."

Was taken up and read a first time.

By leave, Mr. Gould introduced the following resolution:

Resolved, That a select committee of three be appointed, whose duty it shall be to enquire into the expediency of having separate repositories, for the funds of the State Treasury, and other funds not necessarily connected with the treasury, in other words, to divorce the treasury from all extraneous matter, especially from Banks, and report by bill or otherwise.

Which was adopted.

By leave, Mr. Gould introduced a bill to be entitled "an act prescribing the time of holding the circuit courts in the several counties of the 2d judicial circuit."

Which was read a first time.

On motion of Mr. Gould, the rules were dispensed with, and said bill read a second time.

On motion of Mr. Bertrand, said bill was referred to the committee on the judiciary.

Mr. Croft was called to the chair.

On motion of Mr. Gould, leave of absence was granted Mr. Holcomb for a few days.

Joint resolution.

Resolved, by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative requested to use their best exertions in Congress to have a law passed so to extend the franking privilege to Governors and Adjutant Generals of the several States. Also, to the members of the several State Legislatures, whilst the same are in session," was taken up and passed.

Joint resolution of the House.

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested to use all their influence with the Congress of the United States, so to change and modify the compact entered into between the United States and the State of Arkansas, in regard to the Salt Springs, granted to the State of Arkansas for the use of said State, that the said Springs may be either leased or sold as best suits the interest of the State."

Was taken up, read and lost.

Mr. Speaker resumed the chair.

On motion of Mr. Fletcher of Mississippi, the vote of the House upon the preceding joint resolution, was reconsidered.

Mr. Fletcher of Mississippi, offered the following amendment to said resolution, "Be it enacted by the General Assembly of the State of Arkansas."

Which amendment was adopted.

The question then arose upon the adoption of said resolution as amended, and the same was adopted.

The following joint Resolution :

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative requested to use all honorable means to procure the passage of a law by Congress, granting compensation to the several volunteer companies which rendezvoused at Washington, Hempstead county, in obedience to the call of the Secretary of War, for volunteers for the Mexican war, and who were not mustered into service,"

Was taken up, read and passed.

The memorial from the Senate to the Congress of the United States, praying the passage of a law for the relief and benefit of persons, who may hereafter settle upon unsettled lands, belonging to the United States, and situated in this State, and for other purposes," was taken up and read a first time.

Mr. Wells, from the committee on public lands, to whom was referred the bill to be entitled "an act to distribute the proceeds of 500,000 acres of land donated by Congress to the State of Arkansas, for the purpose of internal improvement, among the several counties of this State," reported against the passage of said bill, and on motion of Mr. Jeffrey, leave was given until to-morrow for the minority of said committee to report in relation to said bill.

The bill from the Senate, to be entitled "an act to amend an act to incorporate the Little Rock Bridge Company," was taken up and read a first time.

Mr. Gould moved to take up the bill of the House 'for the relief of John W. Jones, sheriff of Pope county.'

Which was lost.

The bill to be entitled "an act to provide for extending the range of taxable property and increasing the revenue of the State," was taken up and read a first time.

On motion of Mr. Bertrand, referred to the committee of the whole, and to be made the order of the day for the day after to-mor'w.

The Bill of the Senate to be entitled "an act making appropriations to pay arrearages," was taken up and read a first, and on motion of Mr. Clarke, the rules were dispensed with, and said bill read a 2d and 3d time and passed.

On motion of Mr. Leslie, leave of absence was given Mr. Ramsey, on account of illness.

The bill from the Senate, to be entitled "an act to repeal chapter 62, under the head of 'Ferries,' and chapter 150, under head of 'Toll Bridges' in the Revised Statutes, and for other purposes," was taken up and read a first time.

The joint resolution instructing our delegation in Congress to vote for an act, granting to the State of Arkansas every alternate section of the unappropriated public lands within this State, that is now subject to inundation by the rivers, Mississippi, Arkansas, White and St. Francis, for the purpose of reclaiming the whole by embankment or otherwise, and that his excellency the Governor be respectfully requested to communicate to each a copy of said resolution, was taken up and read.

On motion of Mr. Robinson, said resolution was amended, by inserting the words 'and Black,' after 'St. Francis.'

The question then being upon the adoption of said resolution as amended, the same was adopted.

The bill of the House, to be entitled "an act authorizing the administrators, Wm. Burnett, *alias* Wm. D. Burnett deceased, to convey certain lands," was taken up and read a second time.

On motion of Mr. Clarke, the rules were dispensed with, said bill read a third time and passed.

The bill to be entitled "an act to require clerks of the county courts to issue marriage license," was taken up and read a second time.

On motion of Mr. Bertrand, said bill was laid upon the table until the 1st of March next.

The bill, to be entitled "an act more fully to define the county line between the connties of Monroe and Fulton;"

Was read a second time.

Mr. Wells offered an amendment to said bill;

Which was lost.

On motion of Mr. Murphy, said bill was referred to a select committee, consisting of Messrs. Murphy, Wells, and Clements.

The preamble and joint resolution to our delegation in Congress, urging the procuring and distribution of the agricultural statistics, and the useful information therewith connected, now garnered in the patent office of the United States, among the farmers of Arkansas, and our sister States;

Was taken up, read and adopted.

The bill of the Senate, to be entitled "an act to alter and amend the 14th section of an act, to establish the county of Dallas;"

Was taken up, read a first time, and motion of Mr. Gould, the rules were dispensed with, said bill read a second time, and referred to the committee on the judiciary.

The bill of the Senate, to be entitled "an act to refund penalties paid into the State Treasury, by the sheriff of Jackson and Scott counties;"

Was taken up, read a first time, and on motion of Mr. Noland, the rules were dispensed with, said bill read a second time, and referred to a select committee, consisting of Messrs. Noland, Featherston, and Cromwell.

The bill of the Senate, to be entitled "an act to amend the law in relation to the election of presiding judges of the county courts, in this State;"

Was taken up and read a first time.

Mr. Crutchfield was called to the chair.

The bill, to be entitled "an act to exempt the keepers of public grist mills from the performance of certain duties therein specified;"

Was taken up and read a first time.

The bill of the Senate, to be entitled "an act to change the venue in the case of the State of Arkansas, versus Solomon I. Brandenburgh, from the county of Desha, to the county of Phillips;"

Was taken up and read a first time.

On motion of Mr. Lindsey, the rules were dispensed with and said bill read a second time.

On motion of Mr. Collins, the rules were again dispensed with, and said bill read a third time..

On motion of Mr. Patrick, said bill was referred to a select committee, consisting of Messrs. Patrick, Bennett, and Ramsey.

The bill, to be entitled "an act to change the mode of selecting grand jurors, and for other purposes;"

Was taken up, read a second time, and on motion of Mr. Embree, referred to the committee on the judiciary.

Mr. Lindsey moved to dispense with the rules of yesterday, so as to move an adjournment.

Which was lost.

The bill, to be entitled "an act to apportion a part of the debt of Clarke county, to the county of Dallas;"

Was taken up and read a second time, and on motion of Mr. Gould, referred to a select committee, consisting of Messrs Gould, Kelly, and Gentry.

The bill, to be entitled "an act to allow jurors and witnesses additional compensation;"

Was taken up, read a second time, and on motion of Mr. Dunn, the rules were dispensed with, said bill read a third time and passed.

The bill from the Senate, to be entitled "an act making appropriations to pay special judges of the circuit courts;"

Was taken up, read a third time and passed..

The bill, to be entitled "an act supplementary to an act, approved February the 3d, 1843, for the better organization of the militia of this State;"

Was taken up, read a second time, and on motion of Mr. Dunn, the rules were dispensed with, said bill read a third time and passed.

Mr. Brown was called to the chair.

The bill, to be entitled "an act for the relief of John O'Neal;"

Was taken up and read a third time.

Mr. Rust offered the following amendment to said bill, to wit:

Be it further enacted, That all persons in this State, who have lost one or both legs, or who are blind, or afflicted with white swelling, or may hereafter have those afflictions visited upon them, be entitled to the privilege conferred by this act.

Mr. Crutchfield offered to amend the above amendment by inserting after the words "white swelling," the following "or be so deformed as to be unable to work;"

Which was adopted.

Mr. Collins offered an amendment:

Which was lost.

Mr. Jeffrey moved to lay the original bill, together with the amendments on the table;

*Wh*ich was lost.

Mr. Noland offered the following amendment to the amendment, to wit:

And that a select committee be appointed, to purchase a clock for the use of this House, and that two dollars and fifty cents be appropriated for that purpose, out of any money in the treasury, not otherwise appropriated;

Which was lost.

Mr. Anthony offered the following amendment:

"Provided that their estate does not amount to $500;"

Which was adopted.

Mr. Bertrand moved to lay said bill, together with the amendments, on the table, until the 1st of March next.

Which was lost.

The question now arose on the passage of the bill, as amended by Messrs. Rust, Crutchfield, and Anthony;

*Wh*ich was decided in the affirmative and the bill passed.

*M*r. Sharp, with leave, introduced a resolution, rescinding the resolution of the House, making a motion for an adjournment, out of order, until 2 o'clock, p. m., and that no motion to adjourn shall be in order, until 1 o'clock, p. m.

Which was adopted.

SATURDAY, December 5th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Petitions from counties were in order.

Reports from standing committees were in order.

Mr. Brickey from the committee on the judiciary, to whom was referred the bill, to be entitled "an act to amend the criminal law in this State," reported against the expediency of said bill;

Which was adopted.

*M*r. Gould from the committee on counties and county lines, to whom was referred "an act to establish the county of Noland," reported against the expediency of the establishing of said county.

Which was adopted.

Mr. Fletcher from the select committee, was instructed to inquire into the justice and expediency of equalizing the terms upon which citizens of this State, have been permitted to purchase the 500,000 acres of land, granted to this State, for the purposes of internal improvements; reported:

The said committee have had under examination, the various acts of the General Assembly, that provide for the sale of this grant.

They find that the first legislation on this subject, was the act approved 30th December, 1842; which limited and restricted all persons to the purchase of 320 acres, and no less, and fixed the price at two dollars per acre.

At the next session of the General Assembly, a new enactment was made, greatly enlarging the privileges of the purchaser.

This new law, besides yielding the right of purchase to 640 acres, invested the purcha er with the important privilege of buying as little as 40 acres, and lastly fixed the price at one dollar and twenty-five cents per acre.

This committee can perceive no rule of justice or equity, that can sanction this discrimination in price, between the purchasers under the act of the 31st December, 1842, and those who bought under the more liberal law of 20th December, 1844; and they are satisfied that in point of quality, there existed no superiority in favor of the lands sold at two dollars per acre.

And the committee are cognizant of the fact, that better lands are now subject to sale, at $1 25-100ths per acre, than were purchased at higher rates, under the old law.

The best lands of the counties of Mississippi, Crittenden, Chicot, and St. Francis, (equal, in point of soil, climate, navigable facilities, to any lands,) have but lately been brought into market, on account of irregularities, errors, and omissions of duty, on the part of the officers of the general government, and now being sold, by the State to, at $1 25-100ths per acre.

The committee are persuaded, that so long as this inequality is permitted to exist, there will be great discontent among the people, and an indisposition to pay their obligations, and appeals will be continually made to subsequent Legislatures, for a redress of their grievances, until finally more will be consumed in fruitless legislation, on the subject, than the State will lose by remitting the difference at once, and thereby dealing out to all citizens an equality of benefits and privileges.

The committee therefore adopt the House bill, No. 53, as a part of their report, and recommend its passage.

Which was adopted.

Mr. Noland, from the committee on the judiciary, to whom was referred the letter of the attorney general upon the subject of change of venue; reported a bill, to be entitled "an act to repeal an act authorizing a change of venue in certain cases;"

Which was read a first time, and on motion of Mr. Stotts, the rules were dispensed with, and said bill read a second time.

On motion of Mr. Noland, said bill was referred to the committee on the judiciary.

Mr. Noland, from the committee on the judiciary, reported a bill, to be entitled "an act to amend the law relating to appeals, from justices of the peace;"

Which was read a first time.

On motion of Mr. Stotts, the rules were dispensed with, the bill read a second time, and ordered to be read a third time on to-morrow.

Mr. Noland from the judiciary committee, reported a bill, to be entitled "an act to regulate the proceedings of habeas corpus;"

Which was read a first time, and on motion of Mr. Noland, the rules were dispensed with, the bill read a second and third time, and passed.

Mr. Brown from the committee on the judiciary, to whom was referred the bill of the House, entitled "an act to change the action on forfeited delivery bonds," reported a substitute.

On motion of Mr. Bertrand, the rules of the House were dispensed with, and said substitute adopted, and read a first time.

On further motion of Mr. Bertrand, the rules of the House were again dispensed with, and said bill read a second time.

Mr. Embree moved to lay said bill upon the table indefinitely.

Mr. Embree called for the yeas and nays, which were ordered, and the roll called.

The motion to lay said bill upon the table, was lost.

On motion of Mr. Featherston, the rules of the House were dispensed with and said bill read a third time.

The question was then upon the passage of the bill.

Mr. Robinson called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bertrand, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Cromwell, Featherston, Fletcher, of Miss., Fletcher, of Pulaski, Garner, Gentry, Gould, Griffin, Hammock, Kendall, Leslie, Lindsey, Marshall, Mitchell, Neill, Noland, Patrick, Patterson, Pettigrew, Ramsay, Robinson, Stotts, Thompson, Wells, Whittington, Williams, Woods, and Mr. Speaker—39.

Those voting in the negative, are

Messrs. Bennett, Clements, Collins, Croft, Cross, Crutchfield, Dennis, Dunn, Embree, Farmer, Forrest, Grimes, Hill, Hughes, Jeffrey, Kelly, King, Matlock, Murphy, Sadler, Sharp, Stout, Tully, Turman, Turner, and Wright—27.

Message from the Senate.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives, entitled "an act to repeal the 5th section of the 72d chapter of the revised statutes."

Also, "an act to regulate the time of holding the circuit courts within the 6th judicial circuit;"

All of which are herewith transmitted for the assent of the House of Representatives.

The papers upon which the resolution of the Senate, allowing Messrs. Larremore and Thornsburry, $2,500 in Real Estate Bank paper, is founded, are herewith submitted for the consideration of your honorable body.

JOHN M. ROSS, *Sec. of Senate.*

Mr. Anthony, from the committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report to your honorable body, correctly enrolled, the following:

"An act to declare Big Creek a navigable stream:"

"An act for the collection of the county, levy, and revenue taxes, in the county of Yell, for the year 1846;"

And "an act to incorporate the city of Camden;" all of which are herewith returned.

The following message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives, rescinding the joint resolution of the two Houses—setting December the 9th, 1846, to adjourn *sine die;* and have amended the same by setting December 15th, 1846, to adjourn *sine die*, in which your honorable body is respectfully asked to concur.

J. M. ROSS, *Sec. of Senate.*

By leave, Mr. Crutchfield introduced a bill, to be entitled "an act to legitimatize the children of R. C. Byrd and Mary E., his wife;"

Which was read a first time, and on motion of Mr. Woodward the rules were dispensed with, and said bill read a second time.

On motion of Mr. Bertrand, the rules were again dispensed with, and said bill read a third time and passed.

Mr. Wells from the committee on public lands, to whom was referred the petition of divers citizens of Crawford county, in relation to the sale and disposition of the school lands, situated in said county; reported a bill, to be entitled "an act to provide for the preservation and protection of the school lands, in Upper township, in Crawford county:"

Which was read a first time, and on motion of Mr. Brown, the rules were dispensed with, and said bill read a second and third time, and passed.

Mr. Noland from the select committee to whom was referred the bill of the Senate, refunding penalties paid into the State treasury by the sheriffs of Jackson and Scott counties;" reported a substitute to said bill, entitled "an act for the relief of the sheriffs of Scott and Jackson counties."

On motion of Mr. Stotts, the rules were dispensed with, said substitute read a first time and adopted.

On motion of Mr. Noland, the rules were dispensed with, and said substitute bill read a second time.

On motion of Mr. Forrest, the rules were again dispensed with, and said substitute bill read a third time and passed.

Mr. Lindsey from the select committee to whom was referred the memorial, praying the establishment of a mail route, from Little Rock, to Jackson, Missouri; reported the same back to the House, and recommended its adoption.

By leave, Mr. Croft introduced a bill, to be entitled "an act to make treasury warrants receivable in payment of internal improvement lands, and for other purposes;"

Which was read a first time, and on motion of Mr. Croft, the bills were dispensed with, and said bill read a second time.

On motion of Mr. Bertrand, said bill was laid upon the table, until the passage of the revenue bill.

Mr. Crutchfield was called to the chair.

Motions and resolutions were in order.

Mr. Gould, pursuant to notice, introduced a bill, to be entitled "an act to amend the 52d chapter of the revised statutes, concerning dower;"

Which was read a first time.

Mr. Bell gave notice that on Monday next, he would introduce a bill, entitled "an act to encourage the working of the Salt Springs, belonging to the State."

Mr. Garner, pursuant to notice, introduced a bill, entitled "an act to extend the time for sheriffs to settle the revenue of 1846, to the 20th day of January;"

Which was read a first time.

Among other important suggestions made in the report of the Auditor and worthy of notice of the representatives of the people, the committee beg leave to call the especial attention of the General Assembly, to the one in relation to the large amount belonging to the seminary and internal improvement funds, as evidenced by notes of individuals, now in possession of the treasurer, all of the former bearing *ten* per cent interesr the latter *six* per cent, many of them long since due and unpaid, and unless some such plan as that suggested by the Auditor is adopted, by this General Assembly, it is feared a large amount may be entirely lost.

A communication from the Auditor addressed to the president of the Senate on the 10th November last, in response to a resolution of that body, enquiring into the amount of compensation received by him, under the provisions of the act of last session, authorizing non-residents and others to pay taxes directly into the State treasury, &c.,

was referred to this committee for its consideration, by order of the Senate.

The committee are satisfied that the statement of the Auditor is as full a response to the resolution of enquiry as he can make under the circumstances; and the law complained of by many persons, having been repealed by this General Assembly, we deem it unnecessary to make any further investigation into the subject—but herewith append the statement of the Auditor, referred to, marked "A," and make the same a part of this report.

In conclusion the committee beg leave to suggest for the consideration of the General Assembly, whether some other mode of examination into the books and papers of the Auditor and Treasurer than that now pursued, would not be more convenient to the officers, and much more conducive to the public interest. It is certainly true that each session of the General Assembly is delayed in its business some times for several weeks by the abstraction of its members, to discharge this duty; besides, the individual members of such committee are often deprived of the opportunity of attending to the immediate interests of their constituents, before other committees are on the floor of either house.

It is also true, that these committees are generally much larger than is necessary, and always more numerous than can profitably be employed together, and that the labor of the investigation necessarily falls upon four or five of the most industrious.

An acquaintance, to some extent, with the proper mode of book-keeping and clerical skill, being essential to a proper and useful examination, the committee believe that if the Governor was authorized to select some five individuals (two from the Senate and three from the House) from the members elected at each general election, who should attend at the seat of government ten days before the meeting of each General Assembly, for the purpose of making the necessary examination, and report at the opening of the session, it would expedite the business of the people and be highly promotive of their interests. The expense need not be more to the State than the daily compensation which they would receive as members of the General Assembly, and this would be amply reimbursed by the saving of time, and by the additional guards which we believe, would then be thrown around the treasury of the State.

All of which is most respectfully submitted, together with the following resolution. T. W. NEWTON, *of the Senate*,
Chairman of the joint committee.

W. M. H. NEWTON, *Ch. com.* }
O. B. ALSTON, }
RICHARD FLETCHER, } *C. of the House.*
SAMUEL FARMER, }
J. C. BRICKEY. }

December 5th, 1846.

Resolved, That the committee be directed to cause the proper entries to be made in the books of the Auditor and Treasurer, agreeably to their report and according to law.

Which was adopted.

On motion of Mr. Kuykendall, the rules of the House were dispensed with, and the bill to be entitled "an act to define the line between White and Conway counties, was taken up and read a second time;" and

On motion of Mr. Lindsey,, referred to the committee on counties and county lines.

Mr. *Wiley*, from the select committee to whom was referred the bill to be entitled "an act to change the times of holding the probate courts of Randolph county," reported the same back to the House, and recommended its passage.

On motion of Mr. *Wiley*, the rules were dispensed with, said bill read a third time and passed.

Mr. Stout, from the select committee to whom was referred the bill to be entitled "an act to amend the act approved 2d Feb., 1843, entitled an act to authorize a geological examination of the State of Arkansas," reported said bill back to the House without amendment and recommended its passage.

Mr. Robinson offered the following amendment by way of rider: "Amend by striking out $1,000 and insert $500, as incidental expenses, and that all laws in force conflicting with this act be and they are hereby repealed.

Mr. Embree offered an amendment to said amendment, to wit: "insert $10 in lieu of $1,000 in each case."

The question then arose upon striking out $1,000 in said bill.

Mr. Embree called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Anthony, Bennett, Brickey, Bruton, Buchanan, Childers, Clements, Cromwell, Cross, Dennis, Dunn, Embree, Farmer, Fletcher, of Mississippi, Forrest, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Kearby, Kendall, King, Kuykendall, Leslie, Marshall, *M*atlock, Neill, Newton, Noland, Ramsay, Robinson, Sadler, Sharp, Stotts, Tully, Turman, Turner, Wells, *W*iley, Woods, Wright, and Mr. Speaker—49.

Those voting in the negative, are

Messrs. Bertrand, Brown, Burke, Collins, Croft, Crutchfield, Featherston, Fletcher, of Pulaski, Garner, Lindsey, Mitchell, Patrick, Patterson, Stout, Whittington, Williams and *W*oodward—17.

So the motion to strike out $1,000 prevailed.

Mr. Collins moved to fill up the blank with "$800," which was lost.

Mr. Croft moved to fill up the blank with "$700," which was lost

*Mr. F*orrest moved to lay the bill on the table until 1st of July, 1847, which was lost.

Mr. Marshall moved to fill up the blank with "$250."

Mr. Collins moved to recommit said bill to a select committee of three, which was lost.

Mr. Fletcher of Miss., moved to refer said bill to the standing committee on public lands.

The question then arose upon the adoption of the amendment proposed by Mr. Robinson, which was lost.

The question then arose upon the amendment of Mr. Marshall, which was lost.

Mr. Patrick moved to lay the bill on the table until Wednesday next, which was lost.

The question then arose upon the motion of Mr. Embree to fill up the blank with $10.

Mr. Alston called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Anthony, Bruton, Buchanan, Childers, Clements, Cromwell, Cross, Dennis, Dunn, Embree, Farmer, Featherston, Forrest, Gentry, Grimes, Jeffrey, Kelly, Kendall, King, Kuykendall, Leslie, Marshall, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Tully, Turman, Wells, Wiley, Wright and Mr. Speaker—35.

Those voting in the negative, are

Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Brickey, Brown, Burke, Clarke, Collins, Croft, Crutchfield, Fletcher of Miss., Fletcher of Pulaski, Garner, Gould, Griffin, Hammock, Hill, Hughes, Kearby, Lindsay, Matlock, Mitchell, Neill, Newton, Noland, Patrick, Patterson, Stout, Thompson, Turner, Whittington, Williams, Woods and Woodward—36.

So said motion was lost.

On motion of Mr. Fletcher of Miss., said bill as amended was referred to the committee on ways and means.

Mr. Patrick, from select committee, to whom was referred the bill of the Senate entitled "an act to change the venue in the case of the State of Arkansas versus Solomon J. Brandenburgh, from the county of Desha to the county of Phillips," reported the same back to the House, and recommended its passage.

Which was read a first time.

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Bell, Brown, Burke, Clarke, Collins, Croft, Crutchfield, Dennis, Embree, Farmer, Featherston, Fletcher of Pulaski, Fletcher of Miss., Garner, Griffin, Hill, Kearby, Kendall, King, Kuykendall, Neill, Patrick, Patterson, Ramsay, Sadler, Stotts, Stout, Tully, Turner, Whittington, Woods, Woodward and Mr. Speaker—33.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Anthony, Bertrand, Brickey, Bruton, Buchanan, Childers, Cromwell, Cross, Dunn, Forrest, Gentry, Gould, Grimes, Hammock, Hughes, Jeffrey, Kelley, Leslie, Marshall, Matlock, Mitchell, Newton, Pettigrew, Robinson, Sharp, Thompson, Wells, Wiley, Williams and Wright—33.

So the House refused to pass said bill.

On motion of Mr. Gould, the resolution of the House rescinding the joint resolution fixing the time of the adjournment of the General Assembly without day, was taken up, and read as amended in the Senate.

Mr. Brown was called to the chair.

Mr. Bertrand offered an amendment to said resolution.

Mr. Rust moved to lay said resolution and amendment on the table for the present, which was agreed to.

Mr. Tully moved to adjourn.

Mr. Brown, the Speaker *pro tem.*, put the question to the House, and pronounced it carried.

Mr. Gould appealed from the decision of the chair, thereupon the members called the Speaker to the chair; the question was again put, and it was decided by the House not to adjourn.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a resolution to go into the election of Auditor and Treasurer of the State, and judge of the 3d judicial Circuit on to-morrow, the 8th December, at 2 o'clock, P. M., in which concurrence of the House of Representatives is respectfully asked.

J. M. ROSS, *Sec'ry of Senate.*

Message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a resolution requesting your honorable body, to transmit to the Senate, the message from the Senate with the resolution of the House of Representatives, and the amendments thereto of the Senate, rescinding the resolution to adjourn *sine die* on the 7th December. J. M. ROSS, *Sec'ry of Senate.*

Mr. Brown was called to the chair.

Mr. Rust moved that the resolution referred to in the above message, be transmitted together with the amendments of the Senate, in accordance with the request.

Which motion was agreed to, and said resolution and amendments transmittted accordingly.

Message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives, rescinding the resolution of the House, setting December 7th, 1846, to adjourn *sine die.*

J. M. ROSS, *Sec'ry of Senate.*

Mr. Speaker resumed the chair.

On motion of Mr. Fletcher of Miss., the House adjourned.

TUESDAY, December 8, 1846.

The house met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Reports from standing committees were in order.

Mr. Brown from the committee on the judiciary, to whom was referred the bill to be entitled "an act to regulate the practice before the supreme court," reported the same back to the House without amendment, and recommended its passage;"

Which was read a third time and passed.

Mr. Brown, from the committee on the judiciary, to whom was referred the bill to be entitled "an act to repeal an act authorizing a change of venue in certain cases," reported the same back to the House, and recommended its passage;"

Which was read a third time and passed.

Mr. Brown from the committee on the judiciary, to whom was referred the bill to be entitled "an act to amend the practice at law," reported the same back to the House without amendment, and recommended its passage;

Which was read a third time and passed.

Mr. Croft, by leave, introduced a petition from James B. Ragsdale, as sheriff of the county of Green, praying certain relief, accompanied by a bill to be entitled "an act for the relief of James B. Ragsdale, late sheriff of Green county."

Which was read a first time.

Mr. Croft moved to dispense with the rules, so that said bill could be read a second time, which was lost.

Mr. Fletcher of Miss., from the committee on the judiciary, to whom was referred the bill to be entitled "an act to fix the time of holding the circuit courts in the 5th judicial circuit," reported the same back to the House without amendment;

Which was read a third time and passed.

Mr. Patrick from the committee on the judiciary, to whom was referred the bill to be entitled "an act empowering the county courts to correct errors in the assessments of lands in certain cases," reported the same back without amendment, and recommended its passage.

Which said bill was read a third time and passed.

Mr. Patrick from the committee on the judiciary, to whom was referred the bill to be entitled "an act to amend the militia law of this State," reported the same back, and requested the same to be referred to the committee on the militia;

Which report was adopted, and said bill referred to the committee on the militia.

On motion of Mr. Brown, Mr. Leslie was added to the committee on the militia.

Mr. Gould, from the committee on the judiciary, to whom was referred "a bill to be entitled an act to establish the county of Dallas," reported the same back to the House without amendment, and recommended the passage thereof;

Which was read a third time and passed.

Mr. Noland gave notice that on Monday next he would introduce a bill concerning the recording of deeds.

Mr. Brickey gave notice that on Monday next, or some day thereafter, he would ask leave to introduce a bill to prohibit the publication, circulation or promulgation of the abolition doctrines.

Mr. Noland introduced the following resolution:

Resolved, That the committee on the judiciary, be instructed to report on all bills referred to them having for their object the extension of the jurisdiction of justices of the peace; and they are hereby requested to report on Monday next, or at as early a day as practicable.

Which was adopted.

Mr. Forrest, pursuant to notice, introduced a bill to be entitled an act to provide for the expenses of the present General Assembly, and to regulate the issues of scrip and the redemption thereof.

Which was read a first time, and

On motion of Mr. Forrest, the rules were dispensed with, and said bill was read a second time.

Mr. Rust offered an amendment, by way of substitute to said bill.

The question being upon the adoption of said substitute,

Mr. Rust called for the yeas and nays.

On motion of Mr. Murphy, said bill and substitute were laid upon the table until the committee on banks report.

Mr. Jeffrey, from the minority of the committee, to whom was referred the bill entitled an act to distribute the 500,000 acres among the several counties, made a report recommending the passage of said bill.

By leave, Mr. Bertrand introduced a bill to be entitled an act to regulate the practice before the supreme court.

Which was read a first time, and

On motion of Mr. Bruton, the bill of the House entitled an act for the relief of John W. Jones, sheriff of Pope county, was taken up, read a third time, and passed.

Mr. Patrick introduced the following joint resolution:

Resolved, That all bills reported by the standing committees of this House, shall be acted upon at the time they are reported to the House.

Which was sustained, and said resolution adopted.

Mr. Sharp, pursuant to notice, introduced a bill to be entitled an act to repeal a part of the act called the "specie bill," and to provide for paying the expenses of the present General Assembly, and for other purposes.

Which was read a first time.

Mr. Lindsey, pursuant to notice, introduced a bill to be entitled an act to amend the act to regulate the fees of office of the several officers of this State.

Which was read a first time, and

On motion of Mr. Lindsey, the rules were dispedsed with, and said bill read a second time.

Mr. Gould offered the following amendment:

"And the county court of each county may fix the compensation of the presiding judge of the county court, at any sum not less than two, nor more than five dollars per day.

Mr. Forrest offered the following amendment to the said amendment:

"That Madison county be exempt from the provisions of this act."

Which was adopted, and the amendment of Mr. Gould was lost.

Mr. Gould offered the further amendment to said bill:

"And justices of the peace shall be allowed fifty cents for each original summons."

Which was lost.

Mr. Marshall offered the following amendment:

"*Be it further enacted*, That Lawrence county shall be exempt from the provisions of this act."

Which was adopted.

On motion of Mr. Lindsey, the said bill, with the several amendments, was referred to a select committee, consisting of,

Messrs. Lindsey, Featherston and Clarke.

On motion of Mr. Noland, the joint resolution of the House for the relief of Larremore and Thornsberry, was taken up and read.

On further motion of Mr. Noland, said resolution was referred to a select committee, consisting of

Messrs. Noland, Gould, Collins, Murphy and Sharp.

On motion of Mr. Clements, the House adjourned.

Friday, December 7th, 1846.

The House met pursuant to adjournment.

The journal of Saturday was read and approved.

Mr. Croft was called to the chair.

Mr. Speaker announced that petitions from counties were in order.

Mr. Bennett presented the petition of divers citizens of Jackson county in relation to the location and establishment of the seat of justice of said county.

On motion of Mr. Cromwell, said petition was laid on the table for the present, subject to the future action of this House.

Reports from standing committees were in order.

Mr. Brown, from the committee on the judiciary, to whom was referred the bill to be entitled an act to change the mode of selecting grand jurors, and for other purposes, reported the same back, and recommended that said bill be laid upon the table.

Which was adopted.

Mr. Brown, from the committee on the judiciary, to whom was referred the bill to be entitled an act concerning limitations, reported the same back without amendment, and recommended its passage.

Which said report was adopted, and said bill read a third time, and passed.

On motion of Mr. Fletcher of Mississippi, the vote taken upon the passage of said bill was reconsidered.

The question then being upon the final passage of said bill, the same was passed.

The committee on the judiciary, to whom was referred the resolution of the House instructing said committee to enquire into, and report to this House, whether any law is now in existence to compel justices of the peace to pay over moneys received by them on notes placed in their hands for collection, through Mr. Brown, reported that said committee were unable to find any law as recited in said resolution.

Which report was adopted.

Message from the Senate.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to amend the law concerning the act of Ejectment."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the resolution of the House of Representatives, instructing our Senators and requesting our Representative in Congress, to procure the mail to be carried tri-weekly, in two-horse post coaches, from Batesville to Fayetteville, Also,

A resolution instructing our Senators and requesting our Representative in Congress, to use their best exertions to procure the passage of a law establishing in our State a Western District, including the Indian country, and therein establish at the city of Van Buren, a United States District Court. Also,

A resolution requesting our Senators and Representative in Congress, to use their best exertions to procure the passage of a law incorporating the army and navy of the late republic of Texas with those of the United States. Also,

A resolution instructing our Senators and requesting our Representative to use all their influence with the United States, to so change and modify the compact entered into between the United

States and the State of Arkansas with regard to the salt springs granted to the State of Arkansas for the use of said State, that the said springs may be leased or sold, as best suits the interest of the State. Also,

A resolution instructing our Senators and requesting our Representative in Congress, to use all honorable means to procure the passage of a law by Congress granting compensation to the volunteer companies which rendezvoused at Washington, Hempstead county, in obedience to the call of the Secretary of War, for volunteers for the Mexican war, and who were not mustered into service. Also,

A bill to be entitled an act for the preservation and protection of the rights and property of married women.

All of which are herewith returned.

J. M. ROSS,
Secretary of the Senate.

Mr. Collins, from the committee on the penitentiary, to whom was referred the resolution of the House concerning the re-building of the penitentiary, reported a bill to be entitled an act to provide for the re-building of the penitentiary of this State.

Which was read a first time.

Mr. Kuykendall moved to lay said bill upon the table until the 4th of March next.

Mr. Bertrand called for the previous question.

Mr. Brown called for the yeas and nays upon the previous question: which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Bruton, Childers, Cromwell, Cross, Dunn, Featherston, Forrest, Gentry, Griffin, Grimes, Hammock, Jett, Kelly, King, Kuykendall, Leslie, Marshall, Pettigrew, Ramsey, Robinson, Sadler, Stotts, Thompson, Wiley, Williams, and Wright—27.

Those voting in the negative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Buchanan, Burke, Clarke, Clements, Collins, Croft, Crutchfield, Dennis, Embree, Farmer, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gould, Hill, Hughes, Jeffrey, Kearby, Kendall, Lindsey, Matlock, Mitchell, Neill, Newton, Noland, Patrick, Patterson, Sharp, Stout, Tully, Turman, Turner, Wells, Whittington, Woods, Woodward and Mr. Speaker—45.

So the resolution to lay upon the table was lost.

On motion of Mr. Brown the rules were dispensed with, and said bill read a second time.

On motion of Mr. Collins, said bill was recommitted to the committee on the penitentiary.

Mr. Speaker resumed the Chair.

On motion of Mr. Sharp, leave of absence was granted to Mr. Murphy, on account of indisposition.

Mr. Burke, from a select committee, to whom was referred the two bills changing the times of holding the courts in the 1st and 3d judicial circuits, reported a substitute for both bills, entitled an act to change the time of holding courts in the 1st and 3d judicial circuits.

On motion of Mr. Wiley, said substitute was re-committed.

Mr. Newton, of the Senate, from the joint committee of both Houses on the Auditor's and Treasurer's books, made the following report:

Mr. Speaker—The joint committee on the Auditor's and Treasurer's books, have performed the duty assigned them, and beg leave to make the following report:

That they have made a laborious examination of the records, books and vouchers belonging to these offices. They have carefully scanned and tested the several items in the tabular statements relating to receipts and expenditures, as well as the reports to the Governor, which were laid before the General Assembly at the opening of this session, and find the same in all respects scrupulously correct. Having traced most of the original entries of the last two years, through all the books of the two offices, and finding no errors, it is deemed unnecessary to say more in regard to the faithfulness with which the Auditor and Treasurer have discharged the important duties imposed upon them by law.

The magnitude of the work, as well as the perplexing nature of the duties of the Auditor of public accounts of this State, can be duly estimated only by those familiar with the duties of the office.

Whilst the ordinary duties of the Treasurer are not so onerous, and difficult, the responsibility of his station may well be considered greater, as he is made by law the keeper of the people's treasure—that money exacted by taxation for the Government, the disposition of which is ever watched by them with jealous vigilance.

The issuance of a large amount of treasury warrants under the law of the last session of the General Assembly, has thrown additional burthen upon this officer, and increased his responsibility; and whether this system be retained or not, we deem it highly essential to the safety of the people's money, and the best interest of the State, that a man of carefulness and honesty, as well as efficiency (like the present incumbent) should always be selected to fill the office.

The committee are also of opinion that additional legislative enactments are necessary to guard against speculation on the part of collectors of the revenue in treasury warrants; and to compel them to pay over to the treasurer the kind of funds collected by them from the people.

The scope of the investigation entered upon and completed by the committee, embraces the period from the 30th of September 1844, to the 1st day of October 1846, a full and correct exhibit of which is made in the reports and tabular statements before referred to, and not necessary here to report. We have also examined into the amount of good funds received into, and paid out of the treasury since the 1st of October last, and counted all the monies on hands at the date of this report.

From which it appears that there was in the hands of treasurer on the 1st of October, 1846.

In redeemed treasury warrants, - - - -	5,632 90
" notes of the State Bank and Branches, - -	2,449 29
" gold and silver, - - - - - - - -	638 11
Making total on 1st Oct., 1846, - - -	8,720 30
To the gold and silver then on hand as above, -	638 11
Add the amount received to this date, 5th Dec. 46,	835 10
Making the sum of - - - - - -	$1,473 21
From which deduct the amount paid out, -	930 07
Leaves of gold and silver in the treasury this date,	543 14
Add to this the amount of treasury warrants redeemed, - - - - - - - -	543 14
And the amount of Arkansas Bank paper, -	2,449 29
Makes the total amount in the treasury, - -	$8,625 33

On this day (5 Dec. 1846) as counted by the committee and found to be correct.

The committee find from the auditor's books that the following warrants were issued by him to bank officers, for their salaries, under the act placing the State Bank in liquidation, which have not been presented at the treasury, viz:

To W. A. Dougherty,	war't No.	96,	dated	Ap'l 1, 1844,	$250.
same	" "	126,	"	12 June, "	250.
same	" "	168,	"	19 Sept., "	250.
same	" "	259,	"	16 Dec. "	250.
To John H. Crease,	" "	203,	"	16 Nov. "	2,259.
					$3,250.

The whole amount which these warrants were intended to meet, having been fully satisfied and paid out of the assets of the bank, before turning over to the present receiver, it becomes necessary that they should be cancelled on the auditors books, and not remain longer as an apparent indebtedness on the part of the State. We therefore recommend, that authority be given the auditor to cancel the warrants when returned to him, the one issued to John H. Crease Esq., having been placed in the hands of the committee for that purpose.

Among other important suggestions made in the report of the Auditor and worthy of notice of the representatives of the people, the committee beg leave to call the especial attention of the General Assembly, to the one in relation to the large amount belonging to the seminary and internal improvement funds, as evidenced by notes of individuals, now in possession of the treasurer, all of the former bearing *ten* per cent interesr the latter *six* per cent, many of them long since due and unpaid, and unless some such plan as that suggested by the Auditor is adopted, by this General Assembly, it is feared a large amount may be entirely lost.

A communication from the Auditor addressed to the president of the Senate on the 10th November last, in response to a resolution of that body, enquiring into the amount of compensation received by him, under the provisions of the act of last session, authorizing non-residents and others to pay taxes directly into the State treasury, &c., was referred to this committee for its consideration, by order of the Senate.

The committee are satisfied that the statement of the Auditor is as full a response to the resolution of enquiry as he can make under the circumstances; and the law complained of by many persons, having been repealed by this General Assembly, we deem it unnecessary to make any further investigation into the subject—but herewith append the statement of the Auditor, referred to, marked "A," and make the same a part of this report.

In conclusion the committee beg leave to suggest for the consideration of the General Assembly, whether some other mode of examination into the books and papers of the Auditor and Treasurer than that now pursued, would not be more convenient to the officers, and much more conducive to the public interest. It is certainly true that each session of the General Assembly is delayed in its business some times for several weeks by the abstraction of its members, to discharge this duty; besides, the individual members of such committee are often deprived of the opportunity of attending to the immediate interests of their constituents, before other committees are on the floor of either house.

It is also true, that these committees are generally much larger than is necessary, and always more numerous than can profitably be employed together, and that the labor of the investigation necessarily falls upon four or five of the most industrious.

An acquaintance, to some extent, with the proper mode of bookkeeping and clerical skill, being essential to a proper and useful examination, the committee believe that if the Governor was authorized to select some five individuals (two from the Senate and three from the House) from the members elected at each general election, who should attend at the seat of government ten days before the meeting of each General Assembly, for the purpose of making the necessary examination, and report at the opening of the session, it would expedite the business of the people and be highly promotive of their interests. The expense need not be more to the State than the daily compensation which they would receive as members of the General

Assembly, and this would be amply reimbursed by the saving of time, and by the additional guards which we believe, would then be thrown around the treasury of the State.

All of which is most respectfully submitted, together with the following resolution.
T. W. NEWTON, *of the Senate*,
Chairman of the joint committee.

W. M. H. NEWTON, *Ch. com.*
O. B. ALSTON,
RICHARD FLETCHER,
SAMUEL FARMER,
J. C. BRICKEY.
} *C. of the House.*

December 5th, 1846.

Resolved, That the committee be directed to cause the proper entries to be made in the books of the Auditor and Treasurer, agreeably to their report and according to law.

Which was adopted.

Mr. Gould, from the committee on the judiciary to whom was referred the bill to be entitled "an act to authorize the election of assessor for each county in this State," reported the same back as inexpedient.

Which said report was adopted and the bill rejected.

Reports from select committees were in order.

Mr. Lindsey, from the select committee to whom was referred the bill entitled "an act to amend the act to regulate the fees of office of the several officers of this State," reported a substitute for said bill entitled "an act to amend the act to regulate the fees of office of the several officers of this State."

Which substitute was rejected and bill read a third time.

Mr. Bertrand offered the following amendment to the original bill:

" Strike out all after the enacting clause in first section, and insert the following: That from and after the passage of this act, sheriffs shall be allowed the sum of fifty cents per day, for keeping and furnishing prisoners, that all acts and parts of acts inconsistent with this act be, and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its passage."

Mr. Sharp offered the following amendment to the amendment of Mr. Bertrand, by striking out 'Washington county.'

Which was adopted.

The question was then upon the amendment of Mr. Bertrand, and was adopted.

Mr. Grimes moved to lay said bill with the amendments, on the table until the 4th of July next.

Mr. Fletcher of Miss. called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative are,

Messrs. Alston, Annis, Anthony, Bruton, Burke, Childers, Cromwell, Dennis, Dunn, Farmer, Fletcher of Mississippi, Forrest, Gentry, Griffin, Grimes, Hill, Hughes, Jeffrey, Kelly, Kendall, King, Kuykendall, Leslie, Marshall, Matlock, Neill, Pettigrew, Ramsey, Stotts, Stout, Turner, *W*ells, Wiley, Williams, Woods, Wright and Mr. Speaker—37.

Those voting in the negative are,

Messrs. Abraham, Bell, Bennett, Bertrand, Brickey, Brown, Buchanan, Clarke, Clements, Crutchfield, Embree, Featherston, Fletcher of Pulaski, Garner, Gould, Hammock, Kearby, Lindsey, Mitchell, Newton, Noland, Patrick, Patterson, Sadler, Sharp, Thompson, *W*hittington and *W*oodward—28.

So the said bill with the several amendments, was laid upon the table until the 4th day of July next.

Message from the Senate.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act the more effectually to prevent the hiring of their time by slaves."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives, entitled "an act for the relief of John W. Jones, sheriff of Pope county."

Also, "an act to legitimatize the children of Richard C. Byrd and Mary C. his wife."

Also, "an act to provide for the protection and preservation of the school lands in Upper township, in Crawford county."

All of which are herewith returned.

The Senate have passed a joint resolution to adjourn *sine die* on the 15th day of this month, and the concurrence of the House of Representatives is respectfully asked thereto.

J. M. ROSS,
Secretary of the Senate.

Mr. Noland, from the select committee to whom was referred the resolution for the relief of Larremore and Thornsburry, reported to the House recommending the adopting of said resolution, after first amending the same by striking out the words 'at par' in the last line.

Which, said proposed amendment was adopted.

The question then arose upon the adoption of the report and concurrence in the said resolution as amended.

Mr. Cromwell called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Brown, Buchanan, Burke, Clarke, Clements, Collins, Croft, Crutchfield, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Hughes, Kendall, Noland, Patrick, Stout and Mr. Speaker—24.

Those voting in the negative, are

Messrs. Alston, Anthony, Brickey, Bruton, Childers, Cromwell, Dennis, Dunn, Embree, Farmer, Featherston, Forrest, Griffin, Grimes, Hammock, Hill, Jeffrey, Kearby, Kelly, King, Kuykendall, Leslie, Lindsey, Marshall, Matlock, Mitchell, Neill, Newton, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Thompson, Turner, Wells, Whittington, Wiley, Williams, Woodward and Wright—44.

So said resolution as amended, was laid upon the table until the 4th of July next.

Mr. Brown was called to the chair.

Mr. Gould, from the select committee to whom was referred the bill to be entitled 'an act to apportion a part of the debt of Clark county to the county of Dallas,' reported, recommending that said bill be laid upon the table until some day beyond the present session of the General Assembly.

The question was then upon the adoption of the report of said committee.

Mr. Gould called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Bennett, Brown, Buchanan, Forrest, Garner, Gould, Grimes, Hammock, Kelly, Kendall, Marshall, Newton, Pettigrew, Sharp, Stotts, Stout, Turner, Wiley and Williams—20.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Bertrand, Brickey, Bruton, Burke, Childers, Clarke, Clements, Croft, Cromwell, Crutchfield, Dennis, Dunn, Embree, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Griffin, Hill, Hughes, Jeffrey, Kearby, King, Leslie, Lindsey, Mitchell, Neill, Noland, Patterson, Ramsey, Robinson, Sadler, Thompson, Whittington, Woods, Woodward, Wright and Mr. Speaker—40.

So the House refused to adopt said report.

On motion of Mr. Rust, said bill was re-committed to a select committee, consisting of Messrs. Kearby, Gould and Lindsey.

Mr. Noland, from the select committee to whom was referred the bill to be entitled "an act to change the time of holding courts in the first and third judicial circuits," reported a substitute, entitled as above.

Which was adopted, and read a first time.

On motion of Mr. Noland, the rules were dispensed with, and said bill read a 2d and 3d time and passed.

On motion of Mr. Fletcher of Miss., the rules were dispensed with, and the orders of the day taken up.

Mr. Speaker resumed the chair.

The resolution of the Senate to proceed with the election of State Treasurer and Auditor, and of one judge of the 3d judicial circuit, on Tuesday the 8th inst. at 2 o'clock, P. M., was taken up and read.

Mr. Brown offered an amendment, by so altering the said resolution as to go into the election of a Land Agent at the same time.

Which was adopted.

Mr. Noland offered the following amendment:

Resolved, That in the election of Auditor, Treasurer and Judge of the 3d judicial circuit, and Land Agent, the election of Judge of the 3d judicial circuit be the first on hand by both Houses."

Which was adopted.

Mr. Sadler offered an amendment, so as to bring on said elections upon the 12th inst. at 11 o'clock, A. M.

Mr. Embree offered an amendment to said amendment, so as to bring on the election of Treasurer, Auditor and Land Agent upon the 12th inst. at 11 o'clock, A. M.

Which was adopted.

The question then being upon the adoption of the amendment of Mr. Sadler as amended, the same was adopted.

The question then being upon the adoption of the original resolution of the Senate as amended, the same was adopted.

Mr. Brown was called to the chair.

On motion of Gould, the vote was reconsidered in relation to the bill changing the venue in the case of State *vs.* Solomon I. Brandenburg.

The question was then upon the passage of said bill.

Mr. Bertrand called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Bell, Bennett, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Hill, Jeffrey, Kearby, Kendall, King, Kuykendall, Lindsey, Matlock, Mitchell, Neill, Newton, Patrick, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Turner, Williams, Woods, Woodward, Wright and Mr. Speaker—52.

Those voting in the negative, are

Messrs. Alston, Anthony, Bertrand, Cromwell, Grimes, Hammock, Hughes, Kelly, Leslie, Marshall, Pettigrew, Wells, Whittington and Wiley—14.

So said bill was passed.

On motion of Mr. Gould, the bill to be entitled "an act to extend the time for sheriffs to settle the revenue of 1846, to the 20th day of January 1847," was taken up and read a second time, and on motion of Mr. Garner, the rules were dispensed with, and said bill read a third time.

Mr. Woods offered the following amendment by way of rider, "amend by exempting Hotspring county."

Mr. Embree moved to lay said bill with the amendment, upon the table indefinitely.

Mr. Grimes called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative are,

Messrs. Bertrand, Brickey, Bruton, Buchanan, Childers, Clarke, Collins, Croft, Crutchfield, Dennis, Dunn, Embree, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Gentry, Kelly, King, Kuykendall, Leslie, Marshall, Matlock, Mitchell, Neill, Noland, Patterson, Pettigrew, Sadler, Sharp, Stotts, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker—45.

Those voting in the negative are,

Messrs. Abraham, Alston, Annis, Bell, Bennett, Brown, Clements, Farmer, Garner, Gould, Lindsey, Newton, Patrick, Robinson, Stout, Turner, Wells and Whittington—19.

So said bill with the amendments thereto, was laid upon the table indefinitely.

Mr. Speaker resumed the chair.

On motion of Mr. Fletcher of Mississippi, the House resolved itself into a committee of the whole, for the purpose of taking up and considering the bill of the House to amend the 128th chapter of the Revised Statutes, and to increase the revenue of the State."

Mr. Bertrand was called to the chair.

The bill was read.

On motion of Mr. Fletcher of Miss., the committee arose and reported progress, to sit again to-morrow.

Mr. Speaker resumed the chair.

Message from the Senate.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the substitute of the House of Representatives, to the bill of the Senate, entitled "an act for the relief of the sheriffs of Scott and Jackson counties," with the amendments in which your honorable body is respectfully asked to concur;

Which is herewith returned.

Also, I am instructed to inform your honorable body, that the Senate have passed a bill, for the relief of John Quinley, as sheriff of Conway county, to which the concurrence of your honorable body is respectfully asked.

Also, "an act to establish and incorporate the Washington male and female Seminary, at Washington;"

Which is also herewith transmitted for the assent of the House of Representatives.

JOHN M. ROSS, *Sec. of Senate.*

On motion of Mr. Noland, the House concurred in the amendments of the Senate, to the bill, entitled "an act for the relief of the sheriffs of Scott and Jackson counties."

Mr. Bertrand gave notice that on to-morrow, or some future day he would ask leave to introduce the following bills:

A bill, to be entitled "an act to amend the law concerning mechanic's liens."

"An act to amend the law concerning recognizances."

"An act to amend the law concerning the repeal of criminal statutes."

Mr. Anthony from the committee on enrollments, reported the following bills, as approved by his Excellency.

"An act to revive the 39th section of the 60th chapter of the revised statutes."

"An act to incorporate the city of Camden."

"An act to authorize the probate court of Washington county, to appoint Riley Buchanan, guardian of the minor heirs of Chambers Buchanan, dec'd.

"An act for the collection of county, levy, and revenue taxes, in the county of Yell, for 1846."

"An act to declare Big Creek a navigable stream."

On motion of Mr. Rust, the bill from the Senate, entitled "an act to establish and incorporate the Washington male and female Seminary, at Washington;"

Was taken up, read a first time, the rules were dispensed with and said bill read a second time, and referred to a select committee, consisting of Messrs. Hill, Crutchfield, and Sadler.

Mr. Noland, by leave introduced a bill, to be entitled "an act concerning the recording of deeds;"

Which was read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and said bill read a second time, and referred to the committee on the judiciary.

Mr. Fletcher of Miss., by leave introdueed a bill, to be entitled "an act to establish the northern boundary line of Arkansas;"

Which was read a first time.

Mr. Stotts, by leave introduced a bill, to be entitled "an act amendatory of section 2d, of chapter 12th, of the revised statutes, under the head of attachments;"

Which was read a first time.

Mr. Sadler, by leave introduced a bill, to be entitled "an act to define a part of the line of Yell county;"

Which was read a first time, and motion of Mr. Crutchfield the rules were dispensed with, and said bil read a second and third time, and referred to the committee on counties and county lines.

On motion of Mr. Bertrand, the House adjourned.

WEDNESDAY, December 9th, 1846.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Brown was called to the chair.

Mr. Speaker announced that petitions from counties were in order.

Mr. Jeffrey presented the petition of divers citizens of Izard county, accompanied by a bill, to be entitled "an act to establish the county seat of Izard county;"

Which was read a first time.

On motion of Mr. Jeffrey, the rules were dispensed with, said bill read a second time, and referred to a select committee, consisting of Messrs. Jeffrey, Wells, and Noland.

Reports from standing committees were in order.

Mr. Gould, from the committee on the judiciary, to whom was referred the bill, to be entitled "an act prescribing the time of holding the circuit courts in the several counties of the second judicial circuit," reported the same back without amendment and recommended its passage.

Which said bill was read a third time and passed.

Mr. Speaker resumed the chair.

Mr. Collins from the committee on education to whom was referred the bill, to be entitled "an act to provide for the sale of the Seminary lands," reported the same back and recommended the passage thereof;

Which report was adopted and said bill read a first time.

On motion of Mr. Embree, the rules were dispensed with, and said bill was read a second time.

On motion of Mr. Gould, said bill was referred to a select committee, consisting of Messrs. Gould, Collins, and Embree.

Mr. Brown was called to the chair.

Mr. Collins from the committee on education, to whom was referred the petition of divers citizens of Hempstead county, asking an appropriation of a part of the seventy-two section fund, towards establishing an institution of learning, reported against the expediency of granting the prayer of said petition;

Which said report was adopted.

Message from the Senate.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the resolution of the House of Representatives, instructing our Senators and requesting our Representative in Congress, to procure the passage of a law granting to the State of Arkansas, every alternate section of land on the rivers Mississippi, White, St. Francis, &c., subject to inundation, for the purpose of reclaiming the same by embankment, with an amendment, to which the concurrence of your honorable body is asked;

Which is herewith returned.

The Senate have adopted a joint resolution, authorizing the auditor of public accounts, to cancel certain warrants;

Which is herewith transmitted, for the concurrence of the House of Representatives.

The Senate have also passed a bill, entitled "an act to incorporate the Arkansas rail-road and transportation company;"

Which is also transmitted for the assent of the House of Representatives.

JOHN M. ROSS, *Sec. of Senate.*

Mr. Clarke from the committee on the militia, to whom was referred the bill, to be entitled "an act to amend the militia law of this State," reported the same back without amendment, and recommended its passage;

Which said bill was read a third time and passed.

Mr. Hill from the select committee to whom was referred the bill, to be entitled "an act to incorporate the Washington male and female Seminary," reported the same back to the House without amendment, and recommend its passage;

Which report was adopted, said bill read a third time and passed.

Mr. Collins from the committee on education to whom was referred the bill of the House of Representatives, entitled "an act to amend and enlarge the provisions of the 25th section of an act, to provide for a system of common schools, in this State, approved Feb. 3d, 1843," reported the same back with an amendment;

Which report was adopted, and said bill as amended, read a first time.

On motion of Mr. Robinson, the rules were dispensed with, and said bill as amended, read a second time.

On motion of Mr. Sharp, the rules were again dispensed with, and said bill as amended, read a third time and passed.

Mr. Speaker resumed the chair.

Reports from select committees were in order.

Mr. Sadler, from the select committee to whom was referred the memorial of several citizens of Yell county, praying to be released from a contract for the lands on which they have located, for internal improvements, and purchased by them of the State, under the act of 1842 and 3, at two dollars per acre," reported a bill, entitled "an act to reduce the price of certain lands, under the 500,000 acre donation," and recommend the passage thereof;

Which was read a first time;

Motions and resolutions were in order.

Mr. Gould offered the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That they will on this day at 3 o'clock, p. m., go into an election of a judge for the 3d judicial circuit, and auditor and treasurer of the State, and land agent, and the House respectfully ask the concurrence of the Senate herein.

On motion of Mr. Gould, the rules were dispensed with, and said joint resolution adopted.

The following message from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House of Representatives, to go into the election to-day, at 3 o'clock, p. m., of one judge for the 3d judicial circuit, auditor and treasurer of the State, and land agent.

JOHN M. ROSS, *Sec. of Senate.*

On motion of Mr. Brown, the rules were dispensed with, so that the bill, entitled "an act to amend the 128th chapter of the revised statutes, and to increase the revenue of the State," could be taken up.

On further motion of Mr. Brown, the House resolved itself into a committee of the whole, for the purpose of taking up and considering the revenue bill, above recited.

Mr. Bertrand was called to the chair and said bill taken up.

On motion of Mr. Rust, the committee arose.

Mr. Speaker resumed the chair.

Whereupon the committee of the whole, by Mr. Bertrand, reported the bill, to be entitled "an act to amend the 128th chapter and to increase the revenue of the State," with sundry amendments.

The question was then upon the adoption of said amendments;

Which were adopted.

Mr. Patrick offered the following amendment:

Strike all the third section out, and insert in lieu thereof, "all capital employment in each year, in merchandize;"

Which was lost.

Mr. Crutchfield offered the following amendment as a substitute for the second section:

The annual tax to be levied on the foregoing objects of taxation, shall be at the rate of one-fourth of one per cent., on the assessed value thereof; and hereafter, no greater tax than one-sixth of one per centum, shall be levied by the respective counties of the State, for county purposes:

Provided, however, The new counties established at this session of the General Assembly, may levy a tax as high as one-fourth of one per centum.

Mr. Croft offered the following as an amendment to said substitute:

Strike out one-sixth and insert one-half.

On motion of Mr. Noland, the question was divided, and the vote taken upon the proposition to strike out one-sixth of one per cent;

Which was sustained and one-sixth of one per cent., stricken out.

The question then arose upon the amendment offered by Mr. Embree, to strike out one-fourth of one per cent, and insert one-fifth of one per cent.

Mr. Noland called for a division of the question, which was ordered, and the vote then was upon the striking out of one-fourth of one per cent.

Mr. Bruton called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Anthony, Brickey, Bruton, Buchanan, Childers, Clements, Cromwell, Cross, Dennis, Dunn, Embree, Farmer, Forrest, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Kelly, King, Leslie, Lindsey, Marshall, Matlock, Neill, Ramsay, Robinson, Sadler, Sharp, Stotts, Thompson, Tully, Turman, Wells, Wiley, and Wright—38.

Those voting in the negative, are

Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Brown, Burke, Clarke, Collins, Croft, Crutchfield, Featherston, Fletcher, of Mississippi, Fletcher, of Pulaski, Garner, Gentry, Gould, Kearby, Kendall, Mitchell, Newton, Noland, Patrick, Patterson, Pettigrew, Stout, Turner, Whittington, Williams, Woods, Woodward, and Mr. Speaker—32.

So one-fourth of one per cent. was stricken out.

The question then arose upon the adoption of Mr. Embree's amendment.

Mr. Rust offered the following as an amendment to Mr. Embree's amendment:

"And that the State of Arkansas, do hereby repudiate all her debts."

Mr. Clark offered the following as an amendment to Mr. Rust's amendment:

"That the compensation of the members of the General Assembly, after this session, be one dollar per diem, and one dollar every twenty miles, of travel coming to the seat of government."

Mr. Rust moved to re-commit the whole to a select committee of five.

Which was lost.

Mr. Bertrand offered the following as a substitute amendment for the whole:

"The State tax shall be one-fourth of one per cent., on all species of property, whatever, except wearing apparel, and religious and literary institutions only."

Mr. Marshall offered the following amendment to the substitute amendment of Mr. Bertrand:

"Strike out one-fourth of one per cent., and insert one-eighth.

Mr. Stotts offered the following as an amendment to the amendment of Mr. Marshall:

"Insert one-sixth, instead of one-eighth."

The question then being upon the amendment offered by Mr. Stotts, Mr. Marshall called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Bertrand, Brown, Burke, Croft, Crutchfield, Dunn, Featherston, Fletcher of

Pulaski, Gentry, Hughes, Kendall, Lindsey, Mitchell, Newton, Patrick, Ramsey, Sharp, Stotts, Thompson, Tully, and Mr. Speaker —26.

Those voting in the negative, are

Messrs. Bell, Brickey, Bruton, Buchanan, Childers, Clarke, Clements, Collins, Cromwell, Cross, Dennis, Embree, Farmer, Fletcher of Mississippi, Forrest, Garner, Gould, Griffin, Grimes, Hammock, Hill, Jeffrey, Kearby, Kelly, King, Leslie, Marshall, Matlock, Neill, Noland, Patterson, Pettigrew, Robinson, Sadler, Stout, Turman, Turner, Wells, Whittington, Wiley, Williams, Woods, Woodward and Wright—45.

So the amendment offered by Mr. Stotts was lost.

Mr. Embree moved to lay the several amendments upon the table.

Mr. Bertrand called called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative are,

Messrs. Alston, Annis, Anthony, Bell, Bruton, Childers, Clarke, Clements, Collins, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Hammock, Hill, Hughes, Jeffrey, Kearby, Kelly, Kendall, Leslie, Lindsay, Matlock, Mitchell, Neill, Newton, Patrick, Sadler, Stout, Thompson, Tully, Turner, Wells, *Wiley*, *Williams*, Woods and Wright—49.

Those voting in the negative are,

Messrs. Abraham, Bennett, Bertrand, Brickey, Brown, Buchanan, Burke, Croft, Grimes, King, Marshall, Noland, Pettigrew, Ramsey, Robinson, Sharp, Turman, Whittington, *Woodward* and Mr. Speaker—20.

So the several amendments were laid upon the table.

Mr. Speaker resumed the Chair.

On motion of Mr. Bertrand, the original bill with all the amendments thereto, was re-committed to the committee on ways and means.

Mr. Anthony, from the select committee on enrollments, made the following report of resolutions correctly enrolled.

"A resolution requesting our Representatives in Congress to incorporate the army and navy of Texas with those of the United States."

"A resolution instructing our Representatives in Congress, so to change the compact between the State of Arkansas and United Sates, as to allow her to sell or lease certain salt lands."

"A resolution instructing our Representatives in Congress to establish a United States District Court at Van Buren."

"A resolution instructing our Representatives in Congress to procure a mail route from Batesville to Fayetteville."

"A resolution instructing our Representatives in Congress to grant compensation to volunteer companies that rendezvoused at Washington, Arkansas."

All of which are herewith returned.

Mr. Lindsey offered the following resolution:

Resolved, That the rule making motions and resolutions in order as the counties are called be, and the same is hereby repealed, and that no new matter shall be entertained by this House after to-morrow, until the bills and other matter now on the clerk's table are disposed of.

On motion of Mr. Clarke, the rules were dispensed with, and said resolution taken up, read and adopted.

By leave, Mr. Bertrand gave notice that he would some day during the session, introduce a bill to be entitled "an act directing what decisions of the supreme court shall be reported."

By leave, Mr. Collins gave notice that on to-morrow he would ask leave to introduce a bill to be entitled "an act to authorize the guardian of the heirs of William Hubbert deceased, to sell real estate."

On motion of Mr. Gould, the House went into recess until 3 o'clock, P. M.

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3 o'clock, P. M.

The House convened.

Mr. Collins communicated a message from his excellency the Governor to the House, that he had given his signature and approval to the "act entitled an act for the preservation and protection of the rights and property of married women."

On motion of Mr. Croft, the Senate were informed that the House were ready to receive them for the purpose of going into an election for a Judge of the 3d judicial circuit, an Auditor, Treasurer and Land Agent, as per joint resolution.

The Senate now appeared within the Representative Hall and were seated.

Mr. Speaker stated the object for which both Houses had convened, and thereupon announced that nominations for Judge of the 3d judicial circuit were in order.

Mr. Gainer of the Senate, nominated Wm. C. Scott.

Mr. Embree of the House, nominated Isaac Baker.

No further nominations being made, the rolls of both Houses were called.

Those members of the House voting for Mr. Scott, are

Messrs. Bell, Brown, Buchanan, Clarke, Crutchfield, Dennis, Dunn, Farmer, Featherston, Forrest, Gentry, Griffin, Hammock, Hill, Hughes, Jeffrey, Jett, Kelly, Leslie, Lindsey, Matlock, Mitchell, Neill, Newton, Patrick, Patterson, Ramsey, Sadler, Sharp, Stout, Thompson, Tully, Turner, Wells, Whittington and Wright—36.

Those voting for Mr. Baker, are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Bertrand, Brickey, Bruton, Burke, Childers, Clements, Collins, Croft, Cromwell, Cross, Embree, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gould, Grimes, Kearby, Kendall, King, Marshall, Noland, Pettigrew, Robinson, Turman, Wiley, Williams, Woods and Mr. Speaker—33.

Mr. Stotts voted for Mr. Williamson.

In the Senate Mr. Scott received 15 votes.
" " House " " " 36 " joint vote 51.
" " Senate Mr. Baker received 7 votes.
" " House " " " 33 " joint vote 40.

Whereupon, Mr. Speaker proclaimed that Wm. C. Scott had received a majority of the votes of both Houses of the General Assembly of the State of Arkansas, and was duly and constitutionally elected Judge of the third judicial circuit of the State of Arkansas, for the term prescribed by law.

Mr. Speaker then announced that nominations for Auditor of the State were in order.

Mr. Bell of the House, nominated Elias N. Conway.

Mr. Anthony of the House, nominated John M. Ross.

Those members of the House voting for Mr. Conway, are

Messrs. Abraham, Alston, Bell, Bennett, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Collins, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Mitchell, Newton, Patrick, Patterson, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Wells, Woods, Woodward and Mr. Speaker—52.

Those members of the House voting for Mr. Ross, are

Messrs. Annis, Anthony, Bertrand, Clarke, Clements, Embree, Farmer, Featherston, Forrest, Matlock, Niell, Noland, Pettigrew, Turman, Turner, Whittington, Wiley, Williams and Wright—19.

In the Senate Mr. Conway received 12 votes.
" " House " " " 52 " joint vote 64.
" " Senate Mr. Ross received 10 votes.
" " House " " " 19 " joint vote 29.

Whereupon, Mr. Speaker proclaimed that Elias N. Conway having received a majority of all the votes of both Houses of the General Assembly of the State of Arkansas, was duly and constitutionally elected Auditor for the State of Arkansas for, and during the time prescribed by law.

Mr. Speaker then announced that nominations for Treasurer of the State were in order.

Mr. Williamson of the Senate, nominated Aaron Williams.

Mr. McCamy of the Senate, nominated Samuel Adams.

No further nominations being made, the roll of both Houses was called.

Those members of the House voting for Mr. Williams, are

Messrs. Croft, Cromwell, Hughes, Kelly, Mitchell, Whittington and Wiley—7.

Those members of the House voting for Mr. Adams, are

Messrs. Abraham, Annis, Bennett, Bertrand, Brown, Bruton, Buchanan, Burke, Childers, Clements, Collins, Crutchfield, Dennis, Dunn, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Farmer, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Jeffrey, Jett, Kearby, Kendall, King, Leslie, Lindsey, Marshall, Niell, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turner, Turman, Wells, Williams, Woodward, Wright and Mr. Speaker—54.

Mr. Anthony voted for Mr. Clarke.

Messrs. Brickey, Cross, Noland and Woods, voted for Mr. Martin—4.

Mr. Clarke voted for Mr. Turman—1.

Mr. Embree voted for Archibald Yell—1.

Mr. Williams received in the Senate 8 votes.

“ “ “ “ “ House 7 “ joint vote 15.

Mr. Adams received in the Senate 15 votes.

“ “ “ “ “ House 54 “ joint vote 69.

Whereupon, Mr. Speaker proclaimed that Samuel Adams having received a majority of all the votes of both Houses of the General Assembly, was duly and constitutionally elected Treasurer for the State of Aakansas for, and during the time prescribed by law.

Mr. Speaker then announced that nominations for Land Agent of the State of Arkansas were in order.

Mr. Hampton of the Senate, nominated Lambert J. Reardon.

Those members of the House voting for Mr. Reardon, are

Messrs. Abraham, Annis, Alston, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Newton, Noland, Patrick, Patterson, Pettigrew, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Turner, Wells, Whittington, Wiley, Williams, Woodward, Wright and Mr. Speaker—66.

Messrs. Niell, Ramsey and Tully voted for Mr. Crutchfield—3.

Mr. Turman voted for Mr. Clarke.

Mr. Woods voted for Mr. Fletcher of Pulaski.

In the Senate Mr. Reardon received 22 votes.

“ “ House “ “ “ 66 “ joint vote 88.

Mr. Speaker then proclaimed that Lambert J. Reardon had received a majority of all the votes of both Houses of the General Assembly, and was duly and constitutionally elected Land Agent for the State of Arkansas for, and during the time prescribed by law.

The object of the convention of both Houses having been accomplished, the Senate retired from the Representative Hall.

On motion of Mr. Crutchfield, the rules of the House were dispensed with, and the bill of the Senate entitled "an act for the relief of John Quindley, sheriff of Conway county, was taken up, read a first, second and third time and passed.

On motion of Mr. Croft the House adjourned.

THURSDAY, December 10th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Reports from standing committees were in order.

Mr. Brown, from the committee on the judiciary to whom the petition of Benjamin P. Robinson and Nancy Robinson was referred, report that it is unnecessary to legislate upon this petition further.

Which report was adopted.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your Honorable body, that the Senate have passed a bill to be entitled "an act for the relief of Williamson *W*. Bruton."

Also, "an act prescribing the mode of examining the Auditor's and Treasurer's Books."

Also, a resolution instructing our Senators, and requesting our Representative in Congress to use their influence to get the Congress of the United States to grant every actual settler on the public lands 160 acres of land.

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House of Representatives entitled an act to change the action on forfeited delivery bonds.

Also, an act to levy the town of Napoleon, with an amendment, in which your honorable body is respectfully asked to concur.

J. M. ROSS,
Secretary of the Senate.

Mr. Wells, from the committee on public lands to whom was referred the bill to be entitled "an act to equalize and render uniform the terms upon which citizens of this State have purchased the 500,000 acres of land donated to the State of Arkansas by the General Government for internal improvements, reported a substitute and recommended its passage.

Which substitute was rejected.

The question then being upon the passage of the original bill, the same was read a third time.

Mr. Brown was called to the chair.

Mr. Rust proposed to amend said bill, by striking out that portion of the bill 'requiring publication and notice.'

Which amendment was sustained.

Mr. Bertrand offered the following amendment by way of rider:

Strike out section second, and substitute the following in lieu thereof:

Sec. 2. *Be it further enacted*, That any person relinquishing land purchased of the State of Arkansas as provided in the first section of this act, shall not directly or indirectly be permitted to purchase any quantity of said land exceeding forty acres under the act of 20th December 1844.

Mr. Hill offered an amendment to the amendment offered by Mr. Bertrand.

Which was adopted.

Mr. Bertrand then offered the following as an amendment to the amendment previously offered by him.

The question was then upon the original amendment of Mr. Bertrand.

Which was lost.

Mr. Forrest moved to lay said bill with the amendments thereto, upon the table until the 4th of July 1847.

Mr. Dunn called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative are,

Messrs. Alston, Annis, Anthony, Burke, Childers, Clarke, Clements, Collins, Cross, Dennis, Dunn, Farmer, Featherston, Fletcher of Pulaski, Forrest, Gentry, Griffin, Grimes, Hammock, Hill, Jeffrey, Kearby, Kelly, Kendall, King, Leslie, Marshall, Matlock, Mitchell, Neill, Newton, Noland, Patrick, Pettigrew, Robinson, Sharp, Stout, Stotts, Thompson, Tully, Turman, Turner, Wells, Whittington, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker—56.

Those voting in the negative are,

Messrs. Abraham, Cromwell, Embree, Fletcher of Mississippi, Garner, Gould and Sadler—7.

So said bill with the several amendments was laid upon the table until the 4th of July next.

On motion of Mr. Roland, leave of absence was granted to Mr. Woods until to-morrow.

On motion of Neill, leave of absence was granted to Mr. Lindsey.

Mr. Speaker resumed the chair.

Mr. Fletcher of Mississippi, from the committee on ways and means to whom was referred the bill to be entitled "an act to amend the 128th chapter of the Revised Statutes, and to increase the revenue of the State," reported a substitute, entitled as above, as an amendment to the original bill.

Which substitute was adopted and read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and said bill read a second time.

On the further motion of Mr. Bertrand, the House resolved itself into a committee of the whole, for the purpose of taking up and considering the bill above reported by the committee on ways and means, in relation to the revenue of this State.

Mr. Bertrand was called to the chair.

On motion of Mr. Pettigrew, the committee arose, and Mr. Speaker resumed the chair.

Whereupon, said committee, through Mr. Bertrand their chairman, reported said bill back to the House with sundry amendments.

Which was adopted, and the bill read a third time.

Mr. Bertrand called for the previous question.

Which was sustained.

The question was then upon the final passage of said bill as amended by the committee of the whole.

Mr. Robinson called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bertrand, Brickey, Brown, Buchanan, Burke, Clarke, Collins, Croft, Crutchfield, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Hill, Jett, Kearby, Kendall, Mitchell, Newton, Noland, Patrick, Patterson, Pettigrew, Sharp, Stout, Thompson, Turner, Whittington, Williams, Woodward, andMr. Speaker—37.

Those voting in the negative, are

Messrs. Alston, Bruton, Childers, Clements, Cromwell, Cross, Dennis, Dunn, Embree, Farmer, Featherston, Forrest, Griffin, Grimes, Hammock, Jeffrey, King, Leslie, Marshall, Matlock, Neill, Ramsey, Robinson, Sadler, Stotts, Tully, Turman, Wells, Wiley and Wright —30.

So said bill was passed.

Mr. Anthony, from the committee on enrollments, reported correctly enrolled the following bills:

An act supplementary to an act entitled an act to establish the county of Prairie.

An act to repeal the 5th section of the 72d charpter of the Revised Statutes.

"An act to provide for the preservation and protection of the school lands in Upper township, in Crawford county."

"An act for the relief of John W. Jones, sheriff of Pope county."

"An act legitimatizing the children of Richard C. Bryd and Mary E. his wife."

J. B. ANTHONY, *Chairman.*

On motion of Mr. Fletcher of Miss., the orders of the day were taken up.

On motion of Mr. Collins, leave of absence was given to Mr. Bell.

The bill of the Senate entitled "an act further to alter and amend the road law," was taken up and read a first time.

On motion of Mr. Leslie, the rules were dispensed with, and said bill read a second time.

Mr. Forrest moved to dispense with the rules.

Which was lost.

On motion of Mr. Woodward, the bill was referred to the committee on the judiciary.

The joint resolution from the Senate, praying the establishment of sundry mail routes, one from Salem, in Fulton county Arkansas, to Rock Bridge, Ozark county Missouri; one from Yellville, in Marion county Arkansas, to Forsythe, Taney county Missouri; one from Smithville, Lawrence county, to Salem, in Fulton county, and one from Jasper, in Newton county, to Lebanon, in Searcy county, was taken up, read and adopted.

The bill of the Senate to be entitled "an act to provide for filling vacancies in offices," was taken up and read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and said bill was read a second time.

Mr. Robinson offered the following amendment to said bill by adding the words 'judge of the county court.'

Which was rejected.

On motion of Mr. Bruton, said bill was referred to the committee on the judiciary.

Mr. Embree moved a reconsideration of the vote of the House, in relation to the resolution of the Senate granting relief to Larremore and Thornsbury.

Mr. Cromwell called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Bennett, Bertrand, Brown, Buchanan, Burke, Clarke, Clements, Collins, Crutchfield, Dunn, Embree, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Jeffrey, Kearby, Kendall, Matlock, Noland, Patrick, Pettigrew, Ramsey, Robinson, Stout, Turman, Whittington, Williams, Woodward and Mr. Speaker—37.

Those voting in the negative, are

Messrs. Anthony, Brickey, Bruton, Childers, Cromwell, Cross, Dennis, Griffin, Grimes, Hammock, Hill, Kelly, Leslie, Marshall, Mitchell, Neill, Patterson, Sadler, Sharp, Stotts, Tully, Turner, Wells, Wiley and Wright—27.

So the vote upon the said resolution previously taken was reconsidered, and the resolution again before the House.

On motion of Mr. Stout, the resolution and the accompanying documents were recommitted to a select committee, consisting of Messrs. Stout, Whittington, Collins, Embree and Crutchfield.

On motion of Mr. Grimes, leave of absence was granted to Mr. King.

Mr. Brown was called to the chair.

The bill of the Senate to be entitied an act to amend the 69th chapter of the Revised Statutes, under the head of 'Garnishment,' was taken up and read a second time.

Mr. Bertrand offered the following amendment as an additional section.

"Sec. 4th. *Be it further enacted,* That a party suing out a writ of garnishment may run said writ to any county in this State."

Which was adopted and read a first time.

On motion of Mr. Bruton, the rules were dispensed with, and said amendment read a second time, and said bill as amended, read a third and passed.

The bill from the Senate to be entitled "an act to incoporate the town of Pine Bluff," was taken up and read a first time.

On motion of Mr. Embree, the rules were dispensed with, said bill read a second and third time and passed.

Mr. Sharp moved an adjournment.

Which was lost.

Mr. Marshall moved an adjournment.

Which was lost.

Mr. Speaker resumed the chair.

Mr. Annis moved to dispense with the rules, so as to take up a certain bill.

Which was lost.

The bill from the Senate to be entitled an act to repeal an act entitled an act for the relief of the heirs and legal representatives of James Johnson deceased, late of the county of Hempstead, and more effectually to secure the payment of the debts of said estate," was taken up and read a first time.

The bill from the Senate entitled an act to authorize John Hardwick to build a mill dam across White river, was taken up and read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and said bill read a second time.

On motion of Mr. Bertrand, the rules were again dispensed with, said bill read a third time and passed.

The bill of the Senate to be entitled "an act to authorize Wm. C. Bass to be the guardian of Wm. C. P. Dausey," was taken up and read a first time.

The bill from the Senate to be entitled "an act granting the right of pre-emption to settlers on the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvements," was taken up and read a first time.

On motion of Mr. Fletcher of Miss., the rules were dispensed with, said bill read a second time, and referred to the committee on public lands.

The bill from the Senate, entitled "an act to exempt Conway county from the 20th, 21st, and 22d, sections of the 39th chapter of the revised statutes;"

Was taken up and read a first time.

On motion of Mr. Embree, the rules were dispensed with, said bill read a second time, and referred to a select committee consisting of Messrs. Embree, Griffin, and Leslie.

On motion of Mr. Whittington, Mr. Bennett was added to the committee on public lands.

On motion of Mr. Bruton, Mr. Griffin was added to the committee on counties and county lines.

The first resolution from the Senate instructing our delegation in Congress, to procure the establishment of weekly mail routes, beginning at Dwight, Pope county, by the way of James Menifee's, Richard Griffins, and Glasses village, in Conway county, to Clinton, Van Buren county;"

Was taken up, read and adopted.

The bill from the Senate, entitled "an act to regulate the time of holding the circuit courts, within the 8th judicial circuit in this State;"

Was taken up and read a first time.

On motion of Mr. Woodward, the rules were dispensed with, and said bill read a second time, and referred to the committee on the judiciary.

Mr. Cross moved an adjournment, which was lost.

Mr. Fletcher of Mississippi, by leave, introduced the following resolution.

Resolved, That when the house adjourn to-day, it shall be to meet at half past 2 o'clock, p. m.

The following is the report accompanying the revenue bill of to-day, reported to the House as a substitute, by Fletcher of Mississippi.

The committee of ways and means to whom was recommitted the House bill, No. 67, entitled "an act to amend the 128th chapter of the revised statutes and to increase the revenue of the State, direct me to report the bill herewith submitted as an amendment for the amended bill, and they respectfully recommend its passage.

They are conscious that it is not free from objections while they subscribe to the principle that to equalize the burthens of the community with perfect exactitude, that every valuable thing should be assessed for taxation; they are satisfied that however proper such mode of taxation, might be as a rule of abstract equality, that in practice it would be difficult of execution, conducive to frauds, concealments and perjuries, harsh in its operation on the poor, and would be repudiated by the whole people as a measure of extreme and unwarranted rigor.

The committee have consequently adopted the existing plan of taxation, as they find it on the statute books—a system of revenue to which the people are accustomed, and they only propose such modification as expedience and a desire to harmonize conflicting opinions, in this House, render necessary.

They have carefully avoided all unnecessary innovation, all new formed things of taxation.

They present the amended bill in a spirit of compromise, and ask for it a fair and candid consideration.

FLETCHER, of Mississippi.

On motion of Mr. Marshall, the House adjourned.

FRIDAY, December 11th, 1846.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Fowler was called to the chair.

Mr. Speaker announced that petitions from counties were in order.

Mr. Jett presented the petition of Julia Davis, as executrix of Aquilla Davis, to sell lands.

On motion of Mr. Embree, said petition was referred to a select committee, consisting of Messrs. Jett, Hill, and Bertrand.

Mr. Annis presented the petition of divers citizens of Pope county, praying the change of venue in the case of the State vs. James P Patterson;

Which, on motion of Mr. Annis, was referred to a select committee, consisting of Messrs. Annis, Cross, and Wiley.

Mr. Speaker resumed the chair.

Reports from standing committees were in order.

Mr. Brown from the committee on the judiciary, to whom was referred the bill to be entitled "an act concerning the recording of deeds," reported the same back without amendment and recommended its passage;

Mr. Patrick from the committee on the judiciary, to whom was referred the Senate bill, to be entitled "an act further to alter and amend the road law," reported the same back to the House without amendment, and recommended its passage;

Which was read a third time and passed.

Mr. Bertrand, from the committee on the judiciary, to whom was referred the bill to be entitled "an act to provide for filling vacancies in office," reported the same back without amendment, and recommended its passage;

Which was read a third time and passed.

Mr. Anthony from the commtttee on enrollments, reported the following as correctly enrolled:

Passed in both Houses and approved by his Excellency, the Governor.

"An act to legitimatize the children of Richard C. Byrd, and Mary E., his wife.

A resolution instructing our representation in Congress, to establish, if possible, a western district, including the Indian country, and establish at Van Buren, a United States district court.

A resolution asking compensation for the several companies that rendezvoused at Washington, and were not mustered into service.

A resolution asking a change of compact, so as to allow this State to sell or lease certain salt springs.

A resolution praying the establishment of a weekly mail, in two horse coaches, from Batesville to Fayetteville.

An act for the relief of J. *W.* Jones, sheriff of Pope county.

A resolution asking the incorporation of the army and navy of Texas, with those of the United States.

An act to provide for the protection and preservation of school lands, in Upper township, Crawford county.

An act supplementary to an act, entitled "an act to establish the county of Prairie."

And, also, "an act to repeal the 5th section of the 72d chapter of the revised statutes."

ANTHONY, *Chairman.*

Mr. Woodward, from the committee on the judiciary, to whom was referred the bill of the Senate, entitled "an act to regulate the time of holding the circuit courts within the 8th judicial circuit, in this State," reported the same back with sundry amendments, and recommended its passage as amended;

Which several amendments were adopted and read a first time.

On motion of Mr. Wells, the rules were dispensed with, and said amendments read a second time.

On motion of Mr. Brown, the rules were dispensed with, said bill as amended, read a third time and passed.

Mr. Brown was called to the chair.

Reports of select committees were in order.

Mr. Collin, from the select committee, to whom was referred the bill, to be entitled "an act to distribute the proceeds of the sales of the 72d sections of land donated to this State for purposes of education," reported the same back to the House with an additional section by way of amendment, and recommended its passage;

Which was adopted and read a 1st time.

On motion of Mr. Dunn, the rules were dispensed with, and said additional section read a second time.

On motion of Mr. Bertrand, it was ordered that 150 copies of said bill, with the proposed amendments, be printed for the use of this House.

Mr. Griffin, from the select committee to whom was referred a bill, to be entitled "an act to exempt Conway county from the 20th, 21st, and 22d sections, of the 39th chapter of the revised statutes," reported the same back to the House, and recommended its passage;"

Which was read a third time and passed.

Mr. Jeffrey, from the select committee to whom was referred the bill to be entitled "an act to establish the county seat of Izard county," reported the same back with an amendment, and recommended its passage;

Which amendment was read a first time and adopted.

On motion of Mr. Wells, the rules were dispensed with and said amendment read a second time, and said bill as amended read a third time and passed.

The following message was received from the Senate, by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill, to be entitled "an act to arrange the senatorial districts, and apportion the representatives to the several counties in the State of Arkansas."

Also, "an act to prevent the removal of property beyond the limits of this State, in certain cases therein mentioned."

Also, a joint resolution requiring the Governor to appoint a joint committee of five members, immediately after the next general election, to examine the Banks."

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the Bill of the House of Representatives, entitled "An act to change the time of holding the Probate Court in the county of Randolph."

Also, "an act prescribing the time of holding the circuit court in the several judicial circuits."

Also, "an act to amend the 128th chapter of the revised statutes, and to increase the revenue of this State."

Also, "an act empowering the county courts to correct errors in the assessment of lands in certain cases."

Also, "an act to fix the time of holding the circuit court in the fifth judicial circuit;

All of which are herewith returned.

J. M. ROSS, *Sec'ry of Senate.*

Mr. Kearby, from the select committee to whom was referred the bill, to be entitled "an act to apportion a part of the Clark county debt, to the county of Dallas," reported a substitute to said bill, entitled as above; which was adopted and read a first time.

On motion of Mr. Rust, the rules were dispensed with, and said bill read a second time.

On motion of Mr. Kearby, the rules were again dispensed with, and said bill read a third time and passed.

Mr. Speaker resumed the chair.

By leave, Mr. Wiley introduced a bill, entitled "an act for the relief of Joseph Spikes, sheriff of Randolph county."

Which was read a first time.

On motion of Mr. Wiley, the rules were dispensed with, and said bill read a second and third time and passed.

Mr. Marshall introduced the following:

Resolved, That the committee on the judiciary to whom were referred the several bills, relating to extending the jurisdiction of justices of the peace, report on to-morrow;

Which was adopted.

By leave, Mr. Bertrand introduced the following bills:

An act to amend the law concerning recognizances.

An act to amend the law relating to criminal proceedings.

An act to amend the law concerning the repeal of criminal statutes;

Which were all read a first time.

On motion of Mr. Bertrand the rules were dispensed with, said bills all read a second and third time, and referred to the committee on the judiciary.

By leave, Mr. Gould introduced the following joint resolution:

Resolved, by the General Assembly of the State of Arkansas, That it shall be the duty of the Secretary of State, to cause to be published in some newspaper in this State, all the laws of a general nature, passed by this General Assembly, and to cause a copy of the paper containing said laws, to be forwarded to the clerks of each of the several counties of the State;

Which was adopted.

Mr. Patrick introduced the following:

Resolved, That after Monday next, this House hold evening sessions, commencing at half past 2 o'clock;

Which was adopted.

Mr. Ramsey offered the following:

Resolved, That the General Assembly go into the election of attorneys, and financial receivers, of the State Bank and its branches, on Saturday, the 12th day of December, 1846, at 2 o'clock, p. m., and that the Senate be requested to concur herein;"

Which, on motion of Mr. Croft, was laid on the table.

By leave, Mr. Anthony introduced a joint resolution, in relation to the manner of ascertaining the sense of the people on the subject of a State convention.

By leave, Mr. Brown introduced a bill, entitled "an act to change the time of holding the probate court, in Washita county;" read a first time.

On motion of Mr. Brown, the rules were dispensed with, and said bill read a second and third time and passed.

By leave, Mr. Brickey introduced the following joint resolution:

Resolved, by the General Assembly, That an agent be appointed on behalf of the State Bank and its branches, to confer with the bond holders, and that he be fully authorized to transfer the assets of the bank, towards the payment of said bonds, if such contract can be made advantageous.

Mr. Brown, from the committee on the judiciary, reported against the bill, entitled "an act to regulate the duties of constables, and for other purposes;"

So said bill was lost.

The orders of the day were taken up.

The bill from the Senate, entitled "an act to amend the law concerning the act of ejectment;"

Was read a first time.

The rules were dispensed with, said bill was read a second time, and referred to the committee on the judiciary.

The bill from the Senate, entitled "an act to amend the 8th chapter of the revised statutes;"

Was read a first time, the rules were dispensed with, said bill read a second time and referred to the committee on the judiciary.

The bill from the Senate, entitled "an act to regulate the time of holding the circuit courts in the 6th judicial circuit;"

Was read a first time, the rules dispensed with, read a second time and referred to Messrs. Hill, Pettigrew, and Abraham.

The memorial of the Senate, to Congress, in relation to the settlers on the unsettled land of the United States, in this State;

Was read a first time.

On motion the rules were dispensed with, said memorial read a second and third time and passed.

The bill from the Senate entitled an act to repeal the 62d and 150th chapter of the Revised Statutes, &c., was read a second time, and referred to Messrs. Patrick, Kendall and Patterson.

Message from the Senate, by the secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill for the relief of Joseph Spikes, sheriff of Randolph county.

Which is herewith returned.

The memorial of the Senate to Congress, praying the appropriation of certain vacant lands in this State, for the improvement of the navigation of the St. Francis, and other rivers, was read a second time. The rules were dispensed with, said memorial read a third time, and passed.

The bill from the Senate, entitled an act to exempt millers from certain duties, was read a first time. The rules were dispensed with, said bill read a second and third time; and passed.

The bill from the Senate, entitled an act to amend the law in relation to the election of presiding judges of the county courts, was read a first time. The rules were dispensed with, and said bill read a second and third time, and passed.

The bill from the Senate, entitled an act to amend an act to incorporate the Little Rock Bridge Company, was read a first time. The rules were dispensed with, said bill read a second time, and referred to Messrs. Embree, Bertrand and Robinson.

The resolution of the Senate for the adjournment of the General Assembly on the 15th inst., was laid on the table for the present.

The bill from the Senate entitled an act to change the time of holding the county court in Carroll county, was read a first time. The rules were dispensed with, said bill read a second and third time, and passed.

The bill from the Senate, entitled an act for the relief of William M. Burton, was read a first time. The rules were dispensed with, said bill was read a second and third time, and passed.

The bill from the Senate, entitled an act prescribing the mode of examining the Auditor's and Treasurer's books, was read a first time. The rules were dispensed with, said bill read a second time, and referred to the committee on the judiciary.

The bill from the Senate to be entitled an act to incorporate the Arkansas Rail Road and Transportation Company, was read a first time. The rules were dispensed with, and the bill read a second time.

Mr. Embree moved to lay said bill on the table indefinitely.

Which was lost.

Mr. Marshall moved an amendment; which was adopted, and the bill passed so amended, to a third reading.

The bill from the Senate to be entitled an act to levy the town of Napoleon, was read a first time, and the amendments of the Senate concurred in.

The bill of the Senate entitled an act the more effectually to prevent the hiring of their time by slaves, was read a first and second time, and referred to the committee on the judiciary.

The billl from the House entitled an act to amend the law of administration, was read a second time, and referred to the committee on the judiciary.

The bill from the Senate entitled an act to authorize William C. Bass to be the guardian of William C. P. Dorsey, was read a second and third time, and passed.

The resolution of the Senate authorizing the Auditor of Public Accounts to receive from the holders thereof, and to cancel on his books, the warrants issued by him to bank officers, which have been heretofore fully paid out of the assets of the bank, as reported by the committee on the Auditor's and Treasurer's Books, was taken up and concurred in.

The bill of the House entitled an act to increase the number of objects or species of property subject to taxation, was laid upon the table indefinitely.

The bill of the House entitled an act to define the line between the counties of Perry and Pulaski, Perry and Saline, and Perry and Montgomery, was read a second time, and laid on the table until to-morrow.

The bill of the House entitled an act to amend the 4th section of the 60th chap. of the Revised Statutes, was read a second time, and;

On motion of Mr. Bertrand, was referred to the committee on the judiciary.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled an act authorizing and directing the Governor to exchange lands with James Black.

Which is herewith transmitted for the assent of the House.

Mr. Brown, from the committee on the judiciary, reported back the bill in relation to limitations, as inexpedient.

Which report was adopted, and said bill rejected.

The memorial of the House to Congress, praying a donation to remove the raft in Red river, was read a second and third time, and adopted.

The bill of the House entitled an act to preserve the honor of the State, was read a second time.

Mr. Embree moved to lay said bill on the table indefinitely.

Mr. Forrest called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Anthony, Bruton, Burke, Childers, Croft, Cross, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Forrest, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Jeffrey, Kearby, Kendall, King, Kuykendall, Marshall, Mitchell, Murphy, Neill, Newton, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Stotts, Stout Thompson, Tully, Turner, Wells, and Wright—41.

Those voting in the negative, are

Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Brickey, Brown, Buchanan, Clements, Cromwell, Garner, Kelly, Leslie, Patrick, Sharp, Turman, Williams, and Mr. Speaker—18.

So the bill was laid upon the table indefinitely.

The bill of the House entitled an act concerning slaves, was taken up, read a third time, and passed.

The bill of the House entitled an act to compensate Ebenezer Cummins, for professional services rendered the State, was read a second time.

Mr. Clarke offered an amendment, by adding a section to said bill, to prohibit the Executive from employing other attornies in bank affairs, unless in cases of death, resignation, or incompetency of the regular attornies, and requiring such other attornies to be paid out of the funds of the bank.

Which was adopted.

The rules of the House were suspended, and said amendment read a second time.

Mr. Murphy offered an amendment, appropriating ninety-nine dollars to pay the Hon. W. S. Oldham for his services in aid of the regular bank attorney.

Mr. Kuykendall moved to lay said bill and amendments on the table until the 1st day of February next.

Mr. Noland called for the yeas and nays: which were ordered, and the bill was laid on the table with its amendments until the 1st day of February next, by a vote of 43 to 22.

The bill of the House to be entitled an act to enable certain citizens of Pulaski county to build a dam or levy across the left fork of bayou La Fourche in said county, was taken up and read a second time.

Mr. Fletcher of Pulaski, offered an amendment, requiring the directors of said work to be qualified on oath faithfully to discharge their duties.

Which was adopted.

Mr. Bertrand offered a further amendment: Which was also adopted.

On motion of Mr. Bertrand, the rules were suspended, and said amendments read a second time: and the bill so amended, was then read a third time, and passed.

The report of Mr. Croft upon the resolution in relation to a State road from the Missouri boundary to Red river, was adopted, and said resolution rejected.

Also, the report of Mr. Croft in relation to improving Little Missouri and other rivers, was adopted.

The bill of the House in relation to judges of the circuit courts exchanging circuits, &c., was read a second time, and laid on the table for the present.

The memorial to Congress in relation to certain volunteers in this State who were not mustered into service, was taken up and read a second time, and laid on the table for the present.

On motion of Mr. Sharp, the House adjourned.

SATURDAY, December 12, 1846.

The House met pursuant to adjournment.

The reading of the journal of yesterday was dispensed with.

Mr. Speaker announced that petitions from counties were in order.

On motion of Mr. Noland, the petition of the citizens of Jackson was taken up and referred to a select committee, consisting of Messrs Noland, Bennett, Gould, Cromwell and Neill.

Mr. Wells, from the committee on public lands reported back the bill to grant pre-emptions to settlers on the 500,000 acre donation, and recommended its passage. It was read a third time, and passed.

Mr. Brown was called to the chair.

Mr. Gould, from the majority of the committee to whom was referred several bills in relation to the granting jurisdiction to justices of the peace in cases of assault and battery, reported against any action in the matter at present, and to let the people express their wishes at the next general election, as to holding a convention to change the Constitution; also, a bill to be entitled an act to take the sense of the people on the propriety of holding a convention to re-moddel the Constitution of this State.

Mr. Murphy from the minority of said committee, reported a bill to be entitled an act to define the jurisdiction and regulate the proceedings of justices courts in cases of breach of the peace, and recommend its passage.

Mr. Rust moved to have 150 copies of said majority and minority reports printed for the use of the House.

Which was lost by a vote of 42 to 29.

Mr. Stotts moved the adoption of the minority report as a substitute for the majority report.

Which was carried by a vote of 49 to 16. So the minority report was adopted.

Messrs. Brickey and Murphy, from the minority of the committee to whom was referred certain proposed amendments to the Constitution, reported, recommending their expediency and adoption.

Message from the Senate, by the Secretary.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled an act to abolish the office of commissioner of public buildings.

Also,

An act to amend the several acts to establish a system of common schools.

Which are herewith submitted for the assent of the House.

The Senate have assented to the bill of the House entitled an act to change the time of holding courts in the 1st and 3d judicial circuits. Also,

An act to allow jurors and witnesses additional compensation.

All of which are herewith returned.

Mr. Speaker resumed the chair.

On motion of Mr. Croft, the rules of the House were dispensed with, and the bill to be entitled an act to define the jurisdiction of justices of the peace, and regulate the proceedings in justices' courts in cases of breaches of the peace, was read a second time, and referred to a select committee:—

Messrs. Croft, Marshall, Turner, Cross and Whittington.

Mr. Gould from the committee on counties and county lines, reported back without amendment the bill entitled "an act to establish the line between the counties of Carroll and Marion," and recommended its passage.

Which was read a third time and passed.

Mr. Gould from the joint committee to whom was referred the joint resolution in relation to the public printing for this General Assembly reported that the committee had conformed strictly to the requisitions of said joint resolution, and B. J. Borden, being the lowest bidder, they had contracted with him, he having given bond with approved security for the performance of said printing.

Which report was adopted.

Mr. Hill from the select committee to whom was referred the bill entitled "an act to prescribe the term of holding courts in the 6th judicial circuit," reported the same without amendment, and recommended its passage.

The bill was then read a third time and passed.

Messrs. Embree and Gould, from the select committee to whom was referred the bill entitled "an act to regulate the sale of the residue of the 72 sections of seminary lands," reported a substitute entitled "an act to authorize the land agent of the State of Arkansas, to dispose of the seminary lands;"

Which was adopted, and read a first time.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendment of the House to the bill of the Senate entitled " an act to regulate the time of holding the circuit courts within the 8th judicial circuit.

Mr. Annis from the select committee to whom was referred the petition in the case of the State vs. James P. Patterson, reported a bill entitled "an act to change the venue in the case of the State vs. Jas. P. Patterson,"

Which was read a first time, and was rejected.

Mr. Gentry introduced "a bill to open a road from the Missouri line to Red river, and to improve the navigation of the Ouachita and Missouri rivers," which was read a first and second time, and referred to the committee on internal improvements, to which committee Mr. Gould was added.

The orders of the day were taken up.

The committee reported against changing the southern boundary line of Pike county; the report was adopted.

The bill entitled "an act to repeal the 20th, 21st, and 22d sections of the 39th chapter of the revised statutes, in relation to county seats, so far as relates to the county of Arkansas," was read a second and third time, and passed.

The bill entitled "an act to provide for the collection of debts due the internal improvement fund, and foi the distribution of said fund among the several counties," was read s second time, and referred to the committee on internal improvements.

The bill entitled "an act to provide for the survey and clearing out of the road from Little Rock to Fort Smith," &c., was read a second time and referred to the committee on internal improvements.

The bill enttitled "an act to call in the scrip of Perry county," was read a second and third time and passed.

The bill entitled "an act allowing appeals from the county to the circuit courts," was read a second time and referred to the committee on the judiciary.

The bill entitled "an act requiring the judges of the supreme court to make uniform rules of practice for the circuit courts;"

Was read a third time and passed.

On motion of Mr. Noland, the bill entitled "an act to arrange the senatorial districts, and apportion the representatives to the several counties in the State," was taken up, and on further motion of Mr. Noland, it was ordered that 100 copies of said bill be printed for the use of the House.

The bill entitled "an act to divide the proceeds of the sale of the 500,000 acres of land among the several counties," was read a second time; and

On motion of Mr. Dunn, referred to the committee on internal improvements.

The bill entitled an "an act to provide for revising and digesting the statute laws of Arkansas," was read a second time, and referred to the committee on the judiciary.

The bill entitled "an act to reduce the salaries of certain officers therein named, was taken up, and after sundry amendments offered by Messrs. Bertrand, Gould and Rust, the rules were dispensed with, and the bill read a third time and passed.

On motion of Mr. Bertrand, the House adjourned until Monday morning 9 o'clock.

MONDAY, December 14th, 1846.

The House met pursuant to adjournment.

On motion of *M*r. Forrest, the reading of the journal of Saturday was dispensed with.

Mr. Speaker announced that petitions from counties were in order.

Mr. Dunn presented a petition praying the division of Franklin county so as to make the Arkansas river the line; which was referred to a select committee of *M*essrs. Dunn, Alston, Embree, Clarke and Bell.

Reports from standing committees were in order.

By leave, Mr. Fletcher introduced a joint resolution in relation to State Warrants, which was laid on the table until to-morrow.

Reports from select committees were in order.

Mr. Croft from the select committee to whom was referred "a bill in relation to the jurisdiction of justices of the peace," &c., reported the same with two amendments, and recommended its passage.

Said amendments were read a first and second time, and adopted.

Mr. Bertrand offered an amendment.

Mr. Embree moveed to lay said amendment on the table, which was carried and the amendment laid on the table.

On motion of Mr. Sharpe the rules were dispensed with, and said bill read a third time.

Mr. Brown was called to the chair.

Mr. Rust moved the previous question, which was sustained.

The question was then upon the final passage of the bill.

Mr. Bertrand called for the ayes and nays, which were ordered.

The vote stands in the affirmative 56, in the negative 13. Bill passed.

Message from the Senate by the Secretary:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed "an act making appropiations for the years 1847 and 1848, and part of 1846, and for balances due from the State;"

Also, "an act to repeal the 159th and 160th sections of chapter 4, of the revised statutes."

*W*hich are herewith transmitted for the assent of the House.

The Senate have assented to the bill of the House entitled "an act to change the time of holding the probate court in Ouachita county."

Also, "a memorial to Congress asking pay for certain volunteers from Searcy county."

Also, "the joint resolution requiring the secretary of State to have all the laws of a general nature published."

All of which are herewith returned.

Mr. Noland, from the select committee to whom it was referred, reported a bill entitled "an act to repeal an act to locate the seat of justice in Jackson county," and recommended its passage.

Which was read a first time.

On motion of Mr. Noland the rules were dispensed with, and said bill read a second and third time and passed.

Mr. Speaker resumed the chair.

Mr. Collins from the select committee to whom was referred the bill entitled "an act to provide for the rebuilding of the Penitentiary," reported a substitute entitled as above.

Which was read a first time.

On motion of Mr. Murphy it was ordered that 150 copies be printed for the use of the House.

The orders of the day were taken up.

By leave, Mr. Gould introduced a bill, to be entitled, an act supplementary to an act, entitled " an act to amend the 128th chapter of the revised statutes, and to increase the revenue of the State;"

Which was read a first time.

On motion of Mr. Robinson, the rules were dispensed with and said bill read a second time.

On motion of Mr. Fletcher of Mississippi, said bill was referred to the committee on ways and means.

By leave, Mr. Patrick introduced a bill, to be entitled " an act to authorize Wm. Franks and others to erect a mill dam;"

Which was read a first time, and on motion of Mr. Patrick, the rules were dispensed with, and said bill read a second and third time and passed.

By leave, Mr. Bertrand introduced a bill to amend the law concerning mechanics' liens.

Which was read a first time; and

On motion of Mr. Bertrand, the rules were dispensed with, and said bill read a second time.

On motion of Mr. Gould, said bill was referred to the committee on the judiciary.

By leave, Mr. Brown introduced a bill to be entitled "an act to legalize the acts of the township commissioners and trustees named therein."

Which was read a first time.

On motion of Mr. Brown the rules were dispensed with, and said bill read a second time.

Mr. Murphy offered the following amendment:

And be it further enacted, That George E. Webber, administrator, *de bonis non* of the estate of James S. Weatherspoon, deceased, and William H. White, guardian of certain minor heirs of said Weatherspoon of Washington county, State of Arkansas, be and they are hereby authorized to state their accounts with said estate jointly, and vouchers taken either in the payment of debts, when legally authorized, shall be allowed by the probate court of the county of Washington, notwithstanding any want of form or irregularity in the settlement of said estate or in said vouchers, so that no injury be done to said estate.

Which was adopted.

On motion of Mr. Sharp the rules were dispensed with and said amendment read a second time.

On motion of Mr. Brown, the said bill was read a third time and passed, the rules being dispensed with.

Messrs. Patrick, Dunn and Wiley were added to the committee on internal improvements.

Mr. Hughes moved to take up the bill to define the line between the counties of Saline and Hot Spring; which was lost.

On motion of Mr. Noland, the rules of the House were dispensed with, and the House bill to arrange the senatorial districts, and apportion the senators and representatives of the several counties of the State of Arkansas—was taken up.

On motion of Mr. Noland the House resolved itself into committee of the whole to consider said bill

Mr. Bertrand was called to the chair.

On motion of Mr. Rust the committee rose, and reported the bill of the Senate entitled as above as a substitute for the House bill, with several amendments.

The amendment to strike out Izard from the 6th district and add it to the 9th, was taken up and read.

On motion of Mr. Noland said amendment was rejected.

The amendment to the 16th line of said bill by striking out the words "counties of Lawrence and Fulton," and insert county of Fulton, was taken up and read; and

Mr. Marshall moved to reject the amendment, and called for the yeas and nays.

Which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Anthony, Bell, Bertrand, Brickey, Bruton, Buchanan, Burke, Childers, Clarke, Croft, Cromwell, Crutchfield, Dennis, Dunn, Farmer, Featherston, Fletcher of Miss., Forrest, Griffin, Grimes, Hammock, Halcomb, Jett, Kendall, King, Marshall, Matlock, Mitchell, Murphy, Newton, Noland, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Wiley, Woodward, Wright and Mr. Speaker—41.

Those voting in the negative, are

Messrs. Annis, Bennett, Brown, Clements, Embree, Fletcher of Pulaski, Garner, Gentry, Gould, Hill, Hughes, Jeffrey, Kearby, Kelly, Kuykendall, Leslie, Lindsey, Neill, Patrick, Patterson, Pettigrew, Ramsay, Tully, Turner, Wells, Whittington and Williams —28.

So the motion to reject was sustained, and the amendment was rejected.

On the adoption of the substitute, Mr. Wells called for the yeas and nays.

Which were ordered and the roll called.

Those voting in the affirmative, were

Messrs. Anthony, Bell, Brickey, Brown, Bruton, Buchanan, Childers, Clarke, Collins, Croft, Cromwell, Dennis, Dunn, Farmer, Featherston, Fletcher of Miss., Forrest, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Hughes, Kearby, Kelly, King, Kuykendall, Leslie.

Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Patterson, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Turman, Turner, Wiley, Woodward and Wright—50.

Those who voted in the negative, are

Messrs. Alston, Annis, Bennett, Bertrand, Burke, Clements, Embree, Fletcher of Pulaski, Garner, Halcomb, Jeffrey, Jett, Kendall, Lindsey, Pettigrew, Tully, Wells, Whittington, Williams, Woods, and Mr. Speaker—24.

So said substituted bill was adopted, and read a first time.

Mr. Bertrand offered the following amendment to said bill:

Amend the 22d and 23d lines of the 2d section, by striking out the words "the counties of Pulaski and Prairie shall elect two representatives," and insert in lieu thereof, "the county of Pulaski shall elect one representative, and the counties of Prairie and Pulaski shall jointly elect one representative.

Which was adopted.

Mr. Embree offered the following amendment:

Amend by striking out Arkansas in the 12th line, and insert Arkansas in place of Chicot in the 16th line.

Which amendment was rejected.

Mr. Gould offered the following amendment:

Amend the 4th and 2d sections by inserting the word 'each' after the word 'Drew.'

Which was rejected.

On motion the rules were dispensed with, and said bill as amended, was read a third time.

Mr. Brown was called to the chair.

Mr. Croft called for the previous question.

Which was sustained.

Mr. Embree called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Anthony, Bell, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Collins, Croft, Cromwell, Crutchfield, Dennis, Dunn, Farmer, Featherston, Fletcher of Mississippi, Forrest, Gentry, Griffin, Grimes, Hammock, Hughes, Kearby, Kelly, Kendall, Kuykendall, Leslie, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Patterson, Ramsey, Robinson, Sharp, Stotts, Stout, Thompson, Turman, Turner, Wiley, Woodward, Wright and Mr. Speaker—51.

Those voting in the negative, are

Messrs. Alston, Bertrand, Clements, Embree, Fletcher of Pulaski, Garner, Gould, Hill, Halcomb, Jeffrey, Jett, King, Lindsey, Pettigrew, Sadler, Tully, Wells, Whittington, Williams and Woods, —20.

So the bill passed.

By leave, Mr. Sharp introduced a bill for the relief of Elijah O' Brian, sheriff of Washington county; which was read a first time.

On motion of Mr. Noland, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Forrest, the rules were again dispensed with, and the bill read a third time and passed.

The bill from the Senate entitled "an act authorizing and directing the Governor to exchange lands with James Black," was taken up and read a first time.

On motion of Mr. Clarke, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Clarke, the rules were again dispensed with, and the bill read a third time and passed.

On motion of Mr. Embree, the House took a recess until 3 o'clock, P. M.

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3 O'clock, P. M.

The House convened.

The bill of the House entitled "an act to refund to Wm. R. Holliford, late sheriff of Perry county, certain penalties paid by him, and to pay him for taking the census, was taken up, read a third time and passed.

The bill of the House entitled "an act to extend the duties of constables," was taken up and the amendments reported from the committee on the judiciary were adopted, and read a first time.

On motion of Mr. Sharp, the rules of the House were dispensed with, and the said amendments read a 2d time.

On motion the rules were again dispensed with, the bill read a third time as amended and passed.

The bill of the House entitled "an act to repeal the 3d section of the 109th chapter of the Revised Statutes," was taken up as amended by the Senate, and said amendment concurred in.

The memorial of the House to Congress, praying an appropriation of all the unappropriated fractions of land, situated and lying on White, Black, Current and Eleven Point rivers, for the purpose of improving the navigation of said rivers, was taken up and read a second time.

On motion of Mr. Anthony, the rules were dispensed with, and the memorial read a third time and passed.

The bill of the House entitled "an act to regulate the redemption of county scrip," was taken up and read as amended by the Senate, and the amendment concurred in.

The bill of the House entitled "an act to tax groceries," was taken up and read a second time.

On motion of Mr. Forrest, the bill was laid on the table until 1st August 1847.

The bill of the House entitled "an act supplementary to the several acts for assessing and collecting revenue in the State," was taken up and read a second time.

And on motion of Mr. Forrest, laid on the table until 1st August next.

Mr. Anthony, from the standing committee on enrollments made the following report:

Mr. Speaker—I am instructed by the committee on enrollments to report correctly enrolled the following bills:

An act prescribing the time of holding the circuit courts in the second judicial circuit in this State.

An act to change the action on forfeited delivery bonds.

An act for the relief of Joseph Spikes, Sheriff of Randolph county.

An act fixing the time of holding the circuit courts in the fifth judicial circuit.

An act changing the time of holding the probate court of Randolph county.

An act to authorize the county courts to correct errors in the assessment of lands.

An act to levy the town of Napoleon.

An act to amend the 128th chapter of the Revised Statutes, and to increase the revenue of the State.

All of which are herewith returned.

The bill of the House entitled "an act to prevent firehunting," was taken up, read a second time, and on motion of Mr. Grimes, laid on the table indefinitely.

The bill of the House entitled "an act to amend the 47th section of the 60th chapter of the Revised Statutes, under the head of Executions," was taken up, read a second time, and on motion of Mr. Annis, referred to the committee on the judiciary.

The bill of the House entitled "an act for the relief of Littleberry Tadlock," was taken up, read a second time, and on motion of Mr. Annis, laid on the table indefinitely.

The bill of the Senate entitled "an act requiring the county courts to provide for the payment of postage on the supreme court reports," was taken up, read a first time, and on motion of Mr. Brown, the rules of the House were dispensed with, and the bill read a second time.

On motion of Mr. Brown, the rules were again dispensed with, and said bill read a third time and passed.

The report of the judiciary committee to whom was referred a bill entitled "an act to repeal the 123d section of the Revised Statutes, and for other purposes, was taken up, read and adopted, and the bill was rejected."

The bill of the House entitled "an act to authorize John Huffman and Joseph Huffman, surviving administrators of John Huffman deceased, to sell real estate &c," was taken up, read a third time and passed.

The bill of the House entitled "an act to authorize John V. Newman to keep a ferry across the Mississippi river at the town of Napoleon, Arkansas," was taken up and read a second time.

On motion of Mr. Kuykendall, the rules were dispensed with, and the bill read a third time and passed.

The bill of the House entitled "an act to call in the Branch Banks of the State of Arkansas," was taken up and read a second time, and on motion of Mr. Embree, laid on the table for the present.

The petition of G. W. Swisher and others, citizens of Yell county, praying that certian citizens of Pope county might be attached to Yell county, was taken up, and on motion of Mr. Sadler, laid on the table.

The bill of the House entitled "an act for the relief of Thomas Kirk," was taken up, read a third time and passed.

The amendments reported by the select committee to whom was referred the bill entitled "an act concerning forfeited lands," was taken up, read and adopted.

On motion of Mr. Sharp, the rules were dispensed with, and the amendments read a 2d time.

Mr. Collins moved to lay the bill on the table until to-morrow.

Which was lost.

Mr. Fletcher of Mississippi, moved a reconsideration of the vote to lay upon the table.

Which was sustained.

And the motion to lay the bill upon the table until to-morrow was then carried.

The bill of the House entitled "an act for the relief of E. G. Corder and Valentine Matlock, citizens of Crawford county," was taken up and read a second time.

Mr. Forrest moved to lay the bill on the table indefinitely.

Mr. Croft was called to the chair.

Mr. Rust called for the yeas and nays on the motion to lay the bill on the table.

Mr. Collins moved an adjournment.

Which was lost.

The question being on motion to lay the bill on the table indefinitely, and the yeas and nays were called for, which was ordered and the roll called.

Those voting in the affirmative are,

Messrs. Alston, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Miss. Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Patrick, Pettigrew, Ramsey, Robinson, Sharp, Stotts, Stout, Thompson, Turner, Wells, Whittington, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker—62.

Those voting in the negative are,

Messrs. Brown, Cromwell, Crutchfield, Kuykendall, Noland, Sadler, Tully and Turman—8.

So the bill was laid on the table indefinitely.

On motion of Mr. Kuykendall, the House adjourned.

TUESDAY, December 15th, 1846.

The House met pursuant to adjournment.

The journal of Saturday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Mr. Abraham presented the petition of divers citizens of Lafayette, praying the passage of an act authorizing the administrator of the estate of Buonaparte H. Rodgers to sell a certian negro girl.

Which was read.

On motion of Mr. Abraham, the petition was referred to a select committee of three, viz:

Messrs. Abraham, Pettigrew and Hammock.

Reports from standing committees were in order.

Mr. Brown, from the committee on the judiciary to whom was referred the bill to be entitled "an act to amend the law concerning the repeal of Criminal Statutes," reported the same back to the House and recommended its passage.

Which was read a third time and rejected.

On motion of Mr. Woodward, the vote was re-considered, and on motion of Mr. Fletcher of Mississippi, the bill was laid upon the table until to-morrow.

Mr. Brown, from the committee on the judiciary to whom was referred the bill of the Senate to be entitled "an act the more effectually to suppress the hiring of their time by slaves," reported the same back and recommended its rejection.

Which was adopted and the bill rejected.

Mr. Brown, from the same committee to whom was referred the bill to be entitled an act to amend the law relating to criminal proceedings, reported the same back to the House and recommended its passage.

Which was read a third time, and the question being on its final passage.

Mr. Marshall called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Bell, Bennett, Bertrand, Brickey, Bruton, Burke, Clarke, Clements, Croft, Featherston, Fletcher of Miss. Fletcher of Pulaski, Gentry, Gould, Griffin, Hammock, Hill, Jeffrey, Kearby, Kendall, King, Lindsey, Matlock, Murphy, Neill, Patterson, Pettigrew, Robinson, Stout, Turman, Turner, Wells, Whittington, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker —42.

Those voting in the negative, are

Messrs. Anthony, Buchanan, Childers, Collins, Cromwell, Dennis, Dunn, Embree, Farmer, Forrest, Garner, Grimes, Hughes, Jett, Kelly, Leslie, Marshall, Mitchell, Newton, Sadler, Sharp, Stotts, Thompson and Tully—25.

So the bill was passed.

Mr. Woodward was called to the chair.

Mr. Anthony, from the standing committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report correctly enrolled the following bills:

An act to change the time of holding the courts in the 1st and 2d judicial circuts, and an act to allow jurors and witnesses additional compensation.

Which are herewith reported.

Mr. Brown made the following report:

Mr. Speaker—The standing committee on the judiciary to whom was referred several bills for the extension of the jurisdiction of the justices of the peace, beg leave to report that one of said bills has been reported back to the House and passed, which seems to embrace all that is necessary.

Your committee herewith return the other bills and recommend the indefinite postponement.

Which report was adopted, and the said bills laid on the table indefinitely.

Mr. Brown, from the same committee to whom was referred the bill entitled "an act to amend the law concerning recognizances," reported the same back to the House and recommended its passage.

Which was read a 3d time and lost.

Mr. Patrick, from the same committee to whom was referred the bill to amend the law concerning the action of ejectment, reported the same back to the House as inexpedient.

Which was adopted and the bill was lost.

Mr. Bertrand, from the same committee to whom was referred the bill of the Senate, to be entitled "an act prescribing the mode of examining the Auditor and Treasurer's books, reported against the passage of the bill:"

Which report was adopted and the bill rejected.

The following message was rceived from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House of Representatives, entitled "an act requiring the judges of the supreme court to make uniform rules of practice for the circuit courts.

Also, "an act to call in the scrip of Perry county."

Also, "an act to repeal the 20th, 21st, and 22d sections of the 39th chapter of the revised statutes, under the head of county seats, so far as the same relates to the county of Arkansas."

Also, "an act to establish the line between the counties of Carroll, and Marion."

Also, "an act concerning slaves."

Also, an act to authorize and empower purchasers of the 500,000 acres of land, donated to the State of Arkansas for internal improvement purposes, to transfer and assign certificates of purchase of the same."

Also, "an act to establish the county seat of Izard county."

Also, a memorial to Congress, asking the appropriation of $150,000 for the removal of the raft, in Red river.

Also, a resolution instructing our Senators and requesting our Representative in Congress, to procure the establishment of a mail route from Gainesville, in Green county, crossing Black river at Yearkey's ferry, crossing Current river at Duckworth's ferry; from thence by James Martin's, crossing St. Louis and Little Rock road, on Fourche de Mas; from thence by James Farrell's and the Medical Springs, intersecting the Rich Woods route, at the office of Charles Hatcher's on Eleven Point;

All of which are herewith returned.

Mr. Bertrand, from the committee on the judiciary, to whom was referred the bill to be entitled "an act allowing appeals from the county to the circuit court," reported the same back to the House and recommended its passage.

Which was read a third time and passed.

Mr. Patrick, from the committee on the judiciary, to whom was referred the bill of the Senate, to be entitled "an act to amend the 8th chapter of the revised statutes," reported that it would be inexpedient to pass the bill.

Which report was adopted and the bill rejected.

Mr. Noland made the following report:

Mr. Speaker—The committee on the judiciary to whom was referred the bill, to provide for the revising and digesting the statute laws of Arkansas;" have had the same under consideration and have instructed me to report back the same, with sundry amendments, and recommend their adoption.

Which amendments were adopted and read a first time.

On motion of Mr. Bertrand, the amendments were read a second time.

Mr. Collins offered an amendment which was lost.

Mr. Fletcher of Miss., offered to amend by giving the selecting of the digester, to the Governor.

Which was adopted.

The bill as amended, was read a third time and passed.

Mr. Embree, from the select committee, to whom was referred the bill of the Senate, to be entitled "an act to amend an act to incorporate the Little Rock Bridge Company, approved, Dec. 24, 1844," reported the same back to the House without amendment, and recommended its passage;

Which was read a third time and passed.

By leave, Mr. Murphy introduced a bill, to be entitled "an act to extend the jurisdiction of justices of the peace;"

Which was read a first time.

On motion of Mr. Robinson, the rules were dispensed with, the bill was read a second and third time and passed.

By leave, Mr. Noland introduced a bill, to be entitled "an act to authorize the appointment of commissioners in other States, to take acknowledgments of deeds;"

Which was read a first time.

On motion of Mr. Sharp, the rules were dispensed with, and the bill read a second time.

Mr. Bruton moved to refer the bill to the judiciary committee;

Which was lost.

On motion of Mr. Marshall, the rules were dispensed with, and the bill read a third time and passed.

By leave, Mr. Croft introduced a bill, entitled "an act for the purpose of opening a road."

Which was read a first time.

On motion of Mr. Turman, the bill was rejected.

By leave, Mr. Marshall introduced a bill, to be entitled "an act to change the time of holding the county court, in the county of Lawrence;"

Which was read a first time.

On motion of Mr. Robinson, said bill was read a second and third time and passed.

By leave, Mr. Grimes introduced a bill, entitled "an act amendatory of an act for the preservation and protection of the rights and property of married women, approved, Dec. 10th, 1846."

Which was read a first time.

Mr. Croft moved to dispense with the rules, and that said bill be read a second time.

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Bruton, Buchanan, Clements, Croft, Cromwell, Dennis, Forrest, Griffin, Grimes, King, Leslie, Marshall, Matlock, Mitchell, Pettigrew, Ramsay, Sharp, Stotts, Turman, Wiley, Williams, and Wright—23.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Anthony, Bell, Bennett, Bertrand, Brown, Burke, Childers, Collins, Crutchfield, Dunn, Embree, Farmer, Featherston, Fletcher, of Mississippi, Fletcher, of Pulaski, Garner, Gentry, Gould, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, Lindsey, Murphy, Neill, Newton, Noland, Patrick, Patterson, Robinson, Sadler, Stout, Tully, Turner, Wells, Whittington, Woods, Woodward, and Mr. Speaker—48.

So the motion to dispense with the rules was lost.

On motion of Mr. Marshall, said bill was referred to a select committee of three, consisting of Messrs. Marshall, Dunn, and Grimes.

By leave, Mr. Gould introduced a bill, entitled "an act to amend the 16th section of the 13th chapter of the revised statutes, under the head of attachments;"

Which was read a first time.

On motion of Mr. Gould, the rules were dispensed with, and the bill read a second time.

Mr. Gould moved to refer the bill to the standing committee on the judiciary.

Which was lost.

On motion of Mr. Embree, said bill was referred to a select committee of five, consisting of Messrs. Embree, Anthony, Turner, Fletcher of Miss., and Collins.

By leave, Mr. Gould introduced a bill, entitled "an act to amend the 4th chapter of the revised statutes, under the head of administration."

Which was read a first time.

On motion of Mr. Gould, the rules were dispensed with and the bill read a second time.

On motion of Mr. Embree, the bill was referred to the standing committee on the judiciary.

By leave, Mr. Gould introduced a bill, entitled "an act to regulate the time of holding justices' courts."

On motion of Mr. Gould, the rules were dispensed with and said bill read a second time.

Mr. Gould offered an amendment to the bill:

Insert the word "monthly" instead of the word "quality;"

Which was adopted.

On motion of Mr. Croft, the bill was referred to the standing committee on the judiciary.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendments of the House of Representatives, to the bill of the Senate, entitled "an act to provide for the revising and digesting the statute laws of Arkansas."

On motion of Mr. Noland, the House resolved itself into a committee of the whole, for the purpose of taking up and considering the bill, to be entitled "an act to provide for the rebuilding of the penitentiary of this State."

Mr. Bertrand was called to the chair.

The committee after having been in session for some time, on motion of Mr. Noland, arose and reported said bill back to the House, with sundry amendments.

Which amendments were adopted.

Mr. Marshall offered an amendment by way of substitute, for said bill.

Mr. Croft offered an amendment to the substitute.

Mr. Collins moved to lay both of the amendments on the table.

Mr. Noland called for a division of the question.

Which was sustained.

The question then was upon laying the amendment offered by Mr. Croft, upon the table.

Mr. Croft called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Anthony, Bell, Bertrand, Brickey, Brown, Bruton, Buchanan, Childers, Collins, Cromwell, Crutchfield, Dennis, Dunn, Embree, *F*armer, Featherston, Fletcher, of Miss., Fletcher, of Pulaski, *F*orrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Lindsey, Matlock, Mitchell, Neill, Newton, Noland, Patterson, Ramsay, Robinson, Sadler, Stout, *T*hompson, *T*urman, Turner, Wells, Whittington, *W*oods, Woodward, *W*right and Mr. Speaker—58.

Those voting in the negative, are

Messrs. Clarke, Clements, Croft, Marshall, Murphy, Patrick, Pettigrew, Sharp, Stotts, Tully, and Williams—11.

So the motion to lay on the table was sustained.

The question then being on motion to lay the amendment of Mr. Marshall on the table.

Mr. Marshall called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, were

Messrs. Abraham, Alston, Annis, Anthony, Bell, Bertrand, Brickey, Brown, Burke, Collins, Crutchfield, Embree, Fletcher of Miss., Fletcher of Pulaski, Garner, Gould, Hill, Hughes, Jett, Kearby, Kendall, Lindsey, *M*atlock, Neill, Newton, Noland, Patrick, Patterson, Stout, Turner, Whittington, *W*oods, *W*oodward, and Mr. Speaker—34.

Those voting in the negative, are

*M*essrs. Bruton, Buchanan, Childers, Clarke, Clements, Croft, Cromwell, Dennis, Dunn, Farmer, Featherston, Forrest, Gentry, Griffin, Grimes, Hammock, Jeffrey, Kelly, King, Leslie, Marshall, Mitchell, Murphy, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Thompson, Tully, Turman, *W*ells, Williams, and *W*right—35.

So the motion to lay on the table was lost.

The question then was upon the adoption of the substitute offered by Mr. Marshall.

The yeas and nays were called for, which were ordered and the roll called.

Mr. Bruton moved to adjourn; which was lost.

Mr. Marshall moved the previous question; which was sustained and the roll called.

Those voting in the affirmative, are

Messrs. Bruton, Buchanan, Childers, Clarke, Cromwell, Cross, Dennis, Dunn, Farmer, Featherston, Forrest, Gentry, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Kelly, King, Kuykendall, Leslie, Marshall, Mitchell, Murphy, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Stotts, Thompson, Tully, Turman, Wells, Wiley, Williams, and Wright.—37.

Those voting in the negative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Burke, Clements, Collins, Crutchfield, Embree, Fletcher of Miss., Fletcher of Pulaski, Garner, Gould, Hill, Hughes, Jett, Kearby, Kendall, Lindsey, Matlock, Neill, Newton, Noland, Patrick, Patterson, Stout, Turner, Whittington, Woods, Woodward, and Mr. Speaker—35.

So the substitute was adopted and read a first time.

Mr. Sharp moved that the House take a recess until 3 o'clock.

Which was lost.

On motion of Mr. Embree, the House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, December 16th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Reports from standing committees were in order.

Mr. Brickey from the committee on the judiciary to whom was referred the bill, to be entitled "an act to amend the law of administration," reported a substitute therefor, entitled "an act to amend the 4th chapter of the revised statutes, under the head of administration."

Which was adopted, and read a first time.

On motion of Mr. Pettigrew, the rules were dispensed with, and said bill read a second and third time and passed.

Mr. Gould from the committee on the judiciary, to whom was referred the two bills of the House, to amend the 47th section of the 60th chapter, of the revised statutes, reported a substitute to said bills, entitled "an act to amend the 47th section of the 60th chapter of the revised statutes;"

Which was read a first time and adopted.

On motion of Mr. Sharp, the rules were dispensed with, and the bill read a second and third time and passed.

Mr. Gould from the committee on the judiciary, to whom was referred several bills relating to duties of justices of the peace, reported a substitute to said bill, entitled "an act to revive certain parts of the revised statutes;"

Which was adopted and read a first time.

On motion of Mr. Gould, the rules were dispensed with, and the bill read a second and third time and passed.

By leave, Mr. Rust presented the petition of Christopher A. Luckie, praying relief, accompanied by a bill, entitled "an act for the relief of Christopher A. Luckie;"

Which was read a first time.

On motion of Mr. Rust, the rules were dispensed with, and said bill read a second time, and the same with the petition aforesaid, referred to a select committee, viz: Messrs. Bell, Embree, and Annis.

Mr. Woodward, from the committee on the judiciary, to whom was referred a bill, to be entitled "an act to amend the law concerning mechanics liens," reported the same back without amendment, and recommended its passage.

Which was read a third time and passed.

Mr. Speaker resumed the chair.

Mr. Gould, from the committee on the judiciary to whom was referred the bill to establish monthly courts of justices of the peace, reported a substitute entitled an act to establish justices courts.

Which was adopted, and read a first time.

On motion of Mr. Croft, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Noland, the bill was referred to a select committee, consisting of Messrs. Bennett, Murphy and Gould.

Mr. Collins was called to the chair.

Mr. Stout, from the select committee to whom was referred the resolution of the Senate for the relief of Larremore and Thornberry, with the accompanying evidences of claim, reported against the expediency of legislating upon the subject.

Which report was adopted, and said resolution rejected.

Mr. Abraham, from the select committee to whom was referred the petition of Jackson A. Rodgers and Nancy Rodgers, reported a bill to be entitled "an act to authorize Jackson A. Rodgers, administrator of the estate of Buonaparte H. Rodgers, to sell a certain slave named Charlotte."

Which was read a first time.

On motion of Mr. Robinson, the rules were dispensed with, and the bill read a second and third time and passed.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to give the probate court power to grant orders for the sale of real estate, and for other purposes."

Also, "an act authorizing the Secretary of State to distribute the acts and journals of the General Assembly."

Also, "an act to compel judges to interchange circuits and hold courts for each other."

Also, "an act to amend an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvement, and to establish a land office for that purpose, and for other matters."

All of which are herewith transmitted for the assent of the House of Representatives.

The Senate have adopted a joint resolution to adjourn *sine die*, on Monday the 21st inst., and ask the concurrence of the House of Representatives.

The Senate have assented to a bill of the House of Representatives entitled "an act for the relief of Elijah O'Brian, Sheriff of Washington county."

Also, "an act to define the jurisdiction and regulate the proceedings of justices courts in cases of breach of the peace."

All of which are herewith returned.

The Senate have adopted a resolution instructing the Secretary of State to withhold from publication in the acts of the present General Assembly all memorials and joint resolutions passed at this session.

Which is herewith transmitted for the assent of the House of Representatives.

By leave, Mr. Brown introduced a bill to be entitled "an act to incorporate the Van Buren Bridge Company."

Which was read a first time.

On motion of Mr. Brown, the rules were dispensed with, and the bill read a 2d and 3d time and passed.

Mr. Speaker resumed the chair.

Mr. Anthony, from the select committee on enrollments, made the following report of bills correctly enrolled.

"An act to define the jurisdiction and regulate the proceedings of justices courts."

"A memorial asking for compensation for the volunteer company from Searcy county."

"Resolution instructing the Secretary of State to cause to be published in some newspaper, all laws of a general nature, and furnish the clerks of the respective counties with a copy."

"An act to change the time of holding the probate court in Ouachita county."

Also, "an act to regulate the redemption of county scrip."

Mr. Gould, from the committee on the judiciary to whom was referred "an act to amend the 4th chapter of the Revised Statutes," reported the bill back with the following amendment:

Strike out the 2d section and insert the following in lieu thereof:

Sec. 2d. *Be it further enacted*, That the 128th section of the 4th chapter of the Revised Statutes be so amended as not to require bond and security on the payment of legacies or distributive shares, after two years from the date of letters, except in cases where there are suits or contested demands pending against the estate.

Which amendment was adopted, and read a first time.

On motion of Mr. Gould, the rules were dispensed with, and said bill and amendment read a 2d and 3d time and passed.

By leave, Mr. Murphy introduced a bill to be entitled "an act to establish a system of primary schools."

Which was read a first time.

On motion of Mr. Embree, the rules were dispensed with, and said bill read a second time.

On motion of Mr. Fletcher, it was ordered that 150 copies of said bill be printed for the use of the House.

Messrs. Embree and Turner, from the select committee to whom was referred a bill to be entitled "an act to amend the 13th chapter of the Revised Statutes," reported the same back and recommended its passage.

Which report was adopted, and said bill read a third time and passed.

Mr. Jett, from the select committee to whom was referred the petition of Julia Davis, as Executrix of Aquilla Davis, to sell certain lands &c., reported against the prayer of said petitioner.

Which report was adopted, and said petition rejected.

By leave, Mr. Bertrand introduced a bill to be entitled "an act to amend the charter of the City of Little Rock."

Which was read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and said bill read a second and third time and passed.

Mr. Bertrand introduced the following resolution from the committee on the judiciary:

Resolved, That the standing committee on the judiciary be dissolved, and that the Speaker announce a new committee in lieu thereof.

Which was rejected.

On motion of Mr. Forrest, the bill of the House entitled "an act to distribute the proceeds of the seventy-two sections of land, and for other purposes," was taken up and read a third time.

Mr. Embree offered a substitute to the first three sections of the bill.

Mr. Croft moved to refer the bill to the committee of the whole.

Which was lost.

On motion of Mr. Embree, said bill was referred to a select committee, consisting of Messrs. Embree, Forrest, Annis, Patrick and Bell.

Mr. Gould moved that the committee on ways and means report the bill to distribute the proceeds of the 500,000 acres of land donated to the State, on to-day.

Mr. Murphy moved to amend the motion, by inserting 'to-morrow' instead of 'to-day.'

Which was adopted.

The substitute bill entitled "an act to provide for the rebuilding of the Penitentiary of this State," was taken up.

Mr. Murphy moved to refer the bill to a select committee of ten.

Which was lost.

On motion of Mr. Murphy, the bill was referred to a select committee of four, consisting of Messrs. Murphy, Clarke, Gould and Anthony.

By leave, Mr. Alston introduced a bill to be entitled "an act to define the duties of sheriffs and collectors of revenue of this State."

Which was read a first time.

On motion of Mr. Alston, the rules were dispensed with, and said bill was read a second time.

On motion of Mr. Embree, the bill was referred to the committee on ways and means.

The bill of the House to be entitled "an act to amend the 29th section of the 4th article of the Constitution of the State of Arkansas," was taken up.

On motion of Mr. Sharp, the bill was laid upon the table for the present.

The bill of the House to be entitled "an act to attach a part of Chicot county to the county of Drew," was taken up and read a second time.

On motion of Mr. Garner, the rules were dispensed with, and said bill read a third time and passed.

The bill of the House to be entitled "an act to amend the 110th chapter of the Revised Statutes of Arkansas," was taken up and read a second time.

On motion of Mr. Williams, the rules were dispensed with, and the bill read a 3d time and passed.

The bill of the House to be entitled "an act to refund Gardner Cooper, sheriff of Desha county, certain penalties," was taken up and read a second time.

On motion of Mr. Brown, the rules were dispensed with, said bill read a third time and passed.

The bill of the House to be entitled "an act to release Jeremiah Cravens from a fine of fifty dollars assessed by the circuit court of Yell county, at the August term thereof 1846," was taken up and read a 2d time.

On motion of Mr. Brown, the rules were dispensed with, and the bill read a third time and passed.

The bill of the House to be entitled "an act to provide for the sale of the 16th section of T. 8, N. R. 32 W. in Upper township, Crawford county, for common school purposes," was taken up, read a third time and passed.

The bill of the House to be entitled "an act for the relief of Tho's McBath," was taken up and read a second time, and on motion of Mr. Annis, laid upon the table indefinitely.

The bill of the House to be entitled "an act to amend the 52nd chapter of the Revised Statutes concerning Dower," was taken up and read a 2d time, and on motion of Mr. Collins, laid upon the table indefinitely.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate has passed several amendments to the Constitution of the State.

Which are herewith transmitted for the assent of the House of Representatives.

The bill of the House to be entitled "an act to make treasury warrants receivable in payment for internal improvement lands, and for other purposes," was taken up and read a third time, and on motion of Mr. Gould, laid upon the table for the present.

On motion of Mr. Bell, the resolution from the Senate, proposing certain amendments to the Constitution of the State of Arkansas, was taken up and read a first time.

On motion of Mr. Bertrand, 150 copies of the proposed amendments were ordered to be printed for the use of the House.

The bill of the House to be entitled "an act to authorize Abraham Whinery as administrator of the estate of Calvin Boatwright deceased, to sell read estate of said deceased," was taken up and read a 2d time, and on motion of Mr. Thompson, laid on the table indefinitely.

The joint resolution proposing certain amendments to the Constitution, was taken up and read a 2d time, and on motion of Mr. Bertrand, laid on the table indefinitely.

The joint resolution of the House, requesting our delegation in Congress to use all proper exertions with the General Government, to compensate all those citizens of Arkansas, who left their homes under the Governors proclamation calling for volunteers, and marched to different points, and were refused to be mustered into the service of the United States, was taken up, read and adopted.

The joint resolution proposing to amend the 4th section of the 6th article of the Constitution, was taken up, read a third time and lost.

Mr. Anthony, from the committee on enrollments, made the following report:

Mr. Speaker—I am instructed to inform your honorable body, that his Excellency the Governor has approved of the following bills:

"An act to authorize Wm. C. Bass, to be the guardian of Wm. C. P. Dorsey."

"An act to change the time of holding the county court of Carroll county."

"An act to exempt Millers from certain duties."

"An act to regulate the time of holding the circuit courts in the 8th circuit."

"An act to amend the law in relation to the election of the presiding Judges of the county courts of the State."

"An act to regulate the time of holding the circuit courts in the 6th judicial circuit."

"An act to exempt Conway county from the 20th, 21st and 22d sections of the 29th chapter of the Revised Statutes."

"An act for the relief of Wm. M. Burton."

"An act to provide for the filling of vacancies."

"An act further to amend the road law."

"An act granting the right of pre-emption to settlers on the 500,000 acres of land."

"An act to amend the 28th chapter of the Revised Statutes, and to increase the revenue of the State."

"An act to change the action on forfeited delivery bonds."

"An act to levy the town of Napoleon."

"An act for the relief of Joseph Spikes, sheriff of Randolph county."

"An act to fix the time of holding the circuit courts in the 5th judicial circuit."

"An act prescribing the time of holding the circuit courts in the 2d judicial circuit."

"An act empowering the county courts to correct errors in the assessments of land."

"An act to allow witnesses and jurors additional compensation."

"An act to change the time of holding the circuit courts in the 1st and 3d circuits."

"An act to change the time of holding the probate court in Randolph county."

"The resolution instructing the Auditor of Public Accounts to perform certain duties."

"A memorial to Congress concerning the settlement and purchase of public lands."

The bill of the House entitled "an act to define the duties of justices of the peace, was taken up, read a 3d time, and on motion laid on the table indefinitely.

The bill of the House entitled "an act to repeal the 11th section of the 148th chapter of the Revised Statutes," was taken up, read a 2d time, and on motion of Mr. Embree, was rejected.

On motion of Mr. Robinson, the bill entitled "an act to take the sense of the people upon the propriety of holding a convention to remodel the Constitution of this State;" was taken up and read a 2d time.

On motion of Mr. Robinson, the rules were dispensed with, and the bill read a third time and passed.

The bill entitled "an act to repeal the 7th section of the act approved 2d January 1843, entitled an act to authorize a geological examination of the State," was taken up and read a 3d time, and on the final passage of the bill,

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative are,

Messrs. Alston, Annis, Bell, Brown, Bruton, Buchanan, Childers, Clarke, Croft, Cromwell, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Forrest, Gentry, Gould, Griffin, Grimes, Hammock, Hughes, Jeffrey, Kelly, Kendall, Leslie, Marshall, Murphy, Newton, Patrick, Patterson, Pettigrew, Robinson, Sadler, Sharp, Stotts, Thompson, Turman, Turner, Wells, Wiley, Wright and Mr. Speaker—66.

Those voting in the affirmative, are

Messrs. Abraham, Bertrand, Brickey, Burke, Clements, Collins, Fletcher of Pulaski, Hill, Jett, Kearby, Lindsay, Neill, Noland, Stout, Whittington, Williams, Woods and Woodward—18.

So the bill passed.

The bill of the House entitled "an act to authorize Theodore P. Sadler, late sheriff of Yell county, to collect the arrearages of State and county taxes due him as such sheriff, for the years 1841, '42, '43, '44, and '45," was taken up, read a third time and passed.

Mr. Crutchfield, from the judiciary committee, to whom was referred the subject of establishing a separate court of chancery, within and for the county of Pulaski, reported a bill entitled "an act to establish a separate court of chancery, within and for the county of Pulaski;"

Which was read a first time.

Mr. Grimes moved the rejection of the bill.

Mr. Bertrtnd called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Buchanan, Childers, Croft, Cromwell, Dennis, Dunn, Farmer, Featherston, Forrest, Gentry, Griffin, Grimes, Hammock, Kelly, King, Leslie, Marshall, Mitchell, Murphy, Neill, Pettigrew, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turman, Turner, Wells, Wiley, Willians, Wright and Mr. Speaker—35.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Anthony, Brickey, Brown, Bruton, Burke, Clarke, Collins, Crutchfield, Embree, Fletcher of Miss., Fletcher of Pulaski, Gould, Hill, Hughes, Jeffrey, Jett, Kendall, Lindsey, Newton, Noland, Patrick, Whittington, *Woods* and *Woodward*—28.

So the bill was rejected.

The joint resolution requiring the public printer to publish in his weekly paper, all laws of a general nature passed by this General Assembly, at as early a period as possible after their passage, was taken up, and on motion of Mr. Gould laid upon the table.

By leave, Mr. Brickey, introduced a bill to be entitled "an act to provide for public printing."

Which was read a first time.

On motion of Mr. Clarke, the rules were dispensed with, and said bill was read a second time and referred to a select committee consisting of Messrs. Clarke, Sadler, Newton, *T*urner and Kelly.

The bill of the House to be entitled "an act to amend the 6th section of the 51st chapter of the revised statutes, under the head of *Divorce*;"

Was taken up and read a second time.

On motion of Mr. Sharp, the rules were dispensed with, and said bill read a third time.

Mr, Gould offered the following amendment:

Be it further enacted, That no divorce shall be granted but for the following causes: 1st, Adultery; 2d, Impotency; 3d, When either party had a husband or wife living at the time of the marriage sought to be set aside.

Which amendment was rejected.

The question then being upon the passage of the bill the same was passed.

The bill of the House to be entitled "an act to abolish the treasury warrant system;"

Was taken up and read a second time.

Mr. Croft moved to lay the bill on the table indefinitely.

Mr. Bertrand called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Bell, Bennett, Brickey, Bruton, Buchanan, Childers, Clarke, Collins, Croft, Dennis, Dunn, Embree, Featherston, Fletcher, of Pulaski, Garner, Gentry, Gould, Griffin, Grimes, Hughes, Jeffrey, Jett, Kearby, Kelly, King, Lindsey, Marshall, Mitchell, Murphy, Newton, Patrick, Pettigrew, Robinson, Sadler, Sharp, Stotts, Stout, Wells, Whittington, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker—48.

Those voting in the negative, are

Messrs. Anthony, Bertrand, Brown, Burke, Clements, Cromwell, Farmer, Fletcher, of Mississippi, Forrest, Hammock, Hill, Kendall, Leslie, Neill, Noland, Patterson, Thompson, Tully, Turman, and Turner—20.

So the bill was laid upon the table.

The substitute bill of the House to be entitled "an act to amend the proviso in case of fraud in the first section of an act entitled 'an act to abolish imprisonment in civil cases, approved February 3d, 1843,'" to the original bill, was taken up and adopted, and read a first time.

On motion of Mr. Forrest the rules were dispensed with, and the bill read a second time.

On motion of Mr. Robinson the rules were dispensed with, and the bill read a third time and passed.

By leave, Mr. Gould introduced a bill to be entitled an act to allow physicians in this State to establish their accounts under oath.

Which was read a first time.

On motion of Mr. Marshall the bill was rejected.

On motion of Mr. Sharp, the House adjourned.

THURSDAY, December 17th, 1846.

The House met pursuant to adjournment.

The reading of the journal was dispensed with.

Mr. Anthony made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report correctly enrolled the following bills, to-wit:

An act concerning the recording of deeds.

An act to refund to William R. Halford late sheriff of Perry county.

An act to change the name of Mildred Ciphers to the name of Mildred Shewmate.

An act authorizing Wm. Franks and others to erect a mill dam.

On motion of Mr. Fletcher of Miss., Mr. Collins was added to the committee on ways and means.

Mr. Woods moved to take up the bill to define the line between the counties of Hot Spring and Saline; which was lost.

The report of the committee on the judiciary by Mr. Brown, to whom was referred the bill to be entitled "an act to amend the 1st, 4th and 5th sections of chapter 102 of the revised statutes, under the head of *Ne exeat*, recommending the rejection of said bill;"

Was taken up, read and adopted.

So the bill was lost.

The Bill of the House to be entitled "an act to repeal a part of the act called the 'specie bill,' and to provide for paying the expenses of the present General Assembly, and for other purposes;"

Was taken up and read a second time.

On motion of Mr. Robinson, the bill was laid upon the table for the present.

The bill of the House to be entitled "an act to amend the law in relation to *dower;*"

Was taken up, and read a third time.

Mr. Collins moved to recommit the bill; which was lost.

Mr. Bertrand offered the following amendments to the bill by way of rider:

Amend the 1st section and 9th line by striking out all after the word "which," and insert belonged to the husband at the time of his death. Also the second section by striking out all after the word "which" in 8th line and insert "belonged to the husband at the time of his death."

Which were adopted and read a first time.

On motion of Mr. Brown the rules were dispensed with, and the amendments read a second and third time.

The question being on the final passage of the bill as amended.

Mr. Robinson called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Bell, Bennett, Bertrand, Brickey, Brown, Buchanan, Clements, Collins, Crutchfield, Farmer, Featherston, Fletcher of Miss., Fletcher of Pulaski, Forrest, Grimes, Jett, Kearby, Kendall, King, Lindsay, Neill, Newton, Noland, Patrick, Patterson, Ramsey, Robinson, Stout, Thompson, Tully, Turman, Woods and Woodward—34.

Those voting in the negative, are

Messrs. Bruton, Burke, Childers, Croft, Cromwell, Dunn, Garner, Gentry, Gould, Griffin, Hammock, Hill, Hughes, Jeffrey, Kelly, Leslie, Marshall, Matlock, Mitchell, Pettigrew, Sadler, Sharp, Stotts, Wells, Whittington, Wiley, Williams and Mr. Speaker—29.

So the bill was passed.

The bill of the House to be entitled "an act to define the boundary lines between the counties of Perry and Pulaski, Perry and Saline, and Perry and Montgomery;"

Was taken up, read a third time and passed.

The bill of the House to be entitled "an act to amend the 106th section of chapter 4, of the revised statutes, under the head of administration,"

Was taken up, and read a second time.

On motion of Mr. Patrick, the rules were dispensed with, and the bill read a third time and passed.

The bill of the House to be entitled "an act to incorparte the Baptist Church of Mount Zion;"

Was taken up, read a third time and passed.

The bill of the House to be entitled "an act to legalize the division of the estate of Meredith B. Webb, deceased, among his widow and heirs;"

Was taken up, and read a second time.

On motion of Mr. Bruton the rules were dispensed with and the bill read a third time and passed.

Mr. Gould from the select committee to whom was referred the bill to establish justices' courts, reported a substitute to said bill entitled as above, which was adopted and read a first time.

On motion of Mr. Croft the rules were dispensed with, and the bill read a second time.

Mr. Croft offered an amendment, which was lost.

On motion the rules were dispensed with, and the bill read a third time and passed.

On motion of Mr. Collins the rules were dispensed with, and the bill of the Senate to be entitled "an act to arrange the senatorial districts, and apportion the senators and representatives in the several counties of this State," was taken up.

On motion of Mr. Woodward the House resolved itself into a committee of the whole, for the purpose of considering said bill.

Mr. Crutchfield was called to the chair.

After some time, the committee rose and reported the bill back to the House.

Which said bill was adopted.

Mr. Dennis offered an amendment, which was lost.

Mr. Brown was called to the chair.

Mr. Rust moved the previous question, which was sustained, and the question was then upon the final passage of the bill.

Mr. Dennis called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bertrand, Brown, Bruton, Buchanan, Burke, Collins, Embree, Farmer, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Griffin, Hill, Hughes, Jeffrey, Jett, Kelly, Kendall, King, Lindsey, Neill, Newton, Noland, Patrick, Patterson, Pettigrew, Ramsey, Sadler, Sharp, Tully, Turman, Whittington, Williams, Woods, Woodward and Mr. Speaker —43.

Those voting in the negative, are

Messrs. Alston, Brickey, Childers, Clarke, Clements, Croft, Cromwell, Crutchfield, Dennis, Dunn, Featherston, Forrest, Grimes, Hammock, Kearby, Leslie, Marshall, Matlock, Mitchell, Murphy, Robinson, Stotts, Stout, Thompson, Wells, Wiley and Wright—27.

So the bill was passed.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to direct the officers of the Bank of the State of Arkansas, to take titles to real estate, in the name of the State of Arkansas."

Which is herewith transmitted for the assent of the House of Representatives.

The Senate have adopted a resolution to go into the election of digester of the laws, financial receivers, and attorneys for the State Bank and each of the branches thereof, on Friday next at 3 o'clock,

P. M., in which your honorable body is respectfully asked to concur.

The Senate have assented to the following bills of the House:

"An act to authorize William Franks and John Forbes to erect a mill dam across L'Anguille river."

"An act to enable certain citizens to erect a levy or dam across the left hand fork or Bayou la Fourche."

"An act to change the name of Mildred Ciphers to that of Mildred Shumate."

"An act concerning the recording of deeds."

"An act authorizing John V. Newman to keep a ferry across the Mississippi river at Napoleon," with an amendment in which your honorable body is asked to concur.

"An act to amend the militia law of this State," with an amendment in which your honorable body is asked to concur.

Also, "an act to refund to William R. Halford, late sheriff of Perry county, certain penalties paid by them, and to pay him for taking the census."

All of which are herewith returned.

By leave, Mr. Wells introduced a bill to be entitled "an act for the relief of Daniel Beck, sheriff of Fulton county."

Which was read a first time, and

On motion of Mr. Wells, the rules were dispensed with, and the bill was read a second and third time and passed.

By leave, Mr. Marshall from the select committee, to whom was referred the bill entitled, an act amendatory of an act for the preservation of the rights and property of Married women, approved Dec. 10th, 1846, reported the same back to the house without amendment, and recommended its passage.

Which was read a third time.

The question being upon the final passage of the bill, Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Bruton, Buchanan, Burke, Childers, Clements, Croft, Cromwell, Dennis, Dunn, Embree, Griffin, Grimes, Jeffrey, King, Leslie, Marshall, Matlock, Pettigrew, Ramsey, Sadler, Turman, Wiley and Wright—24.

Those voting in the negative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Clarke, Crutchfield, Farmer, Featherston, Fletcher of Miss., Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Hammock, Hill, Hughes, Jett, Kearby, Kelly, Kendall, Lindsey, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Patterson, Robinson, Sharp, Stotts, Stout, Thompson, Tully, Turner, Wells, Whittington, Williams, Woods, Woodward and Mr. Speaker—46.

So the bill was lost.

By leave, Mr. Croft from the standing committee on internal improvements, to whom was referred the bill to be entitled "an act to provide for the survey and clearing out a road from Little Rock to Fort Smith, on the south side of the Arkansas river," reported the same back to the House and recommended its rejection.

Which said bill was read a third time; and

On motion of Mr. Clarke was recommitted to the committed on internal improvements.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed sections 6, 7, and 11, of amendments to the constitution, to accompany those already transmitted; which are herewith presented for the concurrence of the House of Representatives.

The proposition to amend the 29th section of the fourth article of the Constitution of the State of Arkansas, was taken up, and on motion of Mr. Bell, laid on the table for the present.

By leave, Mr. Embree introduced a bill to be entitled "an act to provide for the levying Arkansas river on the south side, from the termination of the levy at Col. James Smith's to Napoleon."

Which was read a first time.

On motion of Mr. Marshall, the rules were dispensed with, and the bill read a second time.

Mr. Bertrand offered an amendment to said bill.

Which was lost.

On motion of Mr. Rust, said bill was referred to a select committee.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your Honorable body, that the Senate have assented to the bill of the House, entitled "an act for the relief of Daniel Beck, sheriff of Fulton county."

I am also instructed to inform your honorable body that the Senate have assented to the bill of the House, entitled "an act to repeal the 7th section of the act approved 7th February 1843, entitled an act to authorize a geological examination of the State."

Which is herewith returned.

The bill of the House entitled "an act to change the time of holding the circuit courts in the 4th judicial circuit of this State," was taken up and read a 3d time.

Mr. Forrest offered an amendment by way of rider, viz:

Be it further enacted, That the county courts of Madison county shall begin and be holden on the third Mondays of January, April, July and October, in each year.

Which amendment was adopted, and read a first time.

On motion of Mr. Forrest, the rules were dispensed with, and said amendment read a second and third time, and the bill passed as amended.

The bill of the House to be entitled "an act to extend the powers and duties of the officers of the principal Bank of the State of Arkansas," was taken up and read a second time.

The bill of the House entitled "an act to amend an act entitled an act to regulate the action of forcible entry and detainer approved January the 10th 1845," was taken up, read a second time and passed.

The joint resolution of the House asking our delegation in Congress to endeavor to abolish or modify the laws of naturalization of the United States," was taken up and read a third time.

The question was taken on the adoption of the resolution.

Mr. Croft called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bennett, Bricky, Clements, Jett, Noland, Patrick, Robinson and Whittington—11.

Those voting in the negative, are

Messrs. Alston, Bell, Bertrand, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Collins, Croft, Cromwell, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Patterson, Pettigrew, Ramsey, Sadler, Sharp, Stotts, Stout, Thompson, Turman, Turner, Wells, Williams, Woods, Woodward, Wright and Mr. Speaker—59.

So the resolution was lost.

Mr. Speaker resumed the chair.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendment of the House, to the bill of the Senate entitled "an act to arrange the Senatorial districts and apportion the Senators and Representatives in the several counties in this State."

The joint resolution of the House instructing our Senators, and requesting our Representative in Congress, to use their influence to procure a grant from the United States for school purposes of the grounds and buildings of the United States Arsenal at Little Rock, was taken up, read and lost.

The bill of the Senate entitled "an act to prevent the removal of property beyond the limits of this State in certain cases therein mentioned," was taken up, read a first time.

Mr. Forrest moved to reject the bill.

Mr. Brown was called to the chair.

The question then being upon the motion to reject, Mr. Rust called for the yeas and nays.

Those voting in the affirmative are,

Messrs. Abraham, Bruton, Clements, Cromwell, Farmer, Featherston, Fletcher of Mississippi, Forrest, Garner, Gould, Griffin, Grimes, Hill, Jett, Kendall, Ramsey, Thompson, Tully, Turman, Whittington, Wiley and Woods—22.

Those voting in the negative, are

Messrs. Alston, Annis, Bell, Bennett, Bertrand, Brickey, Brown, Buchanan, Burke, Childers, Collins, Croft, Crutchfield, Dennis, Dunn, Embree, Fletcher of Pulaski, Gentry, Hammock, Hughes, Jeffrey, Kearby, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Patterson, Pettigrew, Robinson, Sadler, Sharp, Stotts, Stout, Turner, Williams, Woodward, Wright and Mr. Speaker—47.

So the motion to reject was lost.

On motion of Mr. Rust, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Embree, the bill was referred to a select committee of five, consisting of Messrs. Embree, Crutchfield, Kearby, Patrick and Bertrand.

Mr. Speaker resumed the chair.

On motion of Mr. Crutchfield, the joint resolution of the House proposing certain amendments to the Constitution, was taken up and read a second time.

Mr. Crutchfield offered the following amendment, by adding an additional article to come in after the word 'State' in the second article:

"And that the qualified voters of the State shall elect the judges of the supreme court, the clerks of the supreme court, the Auditor of the State, the Treasurer of the State, and the Secretary of the State."

The question being on the adoption of the amendment, Mr. Crutchfield called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Bertrand, Brown, Bruton, Clements, Crutchfield, Embree, Kearby, Leslie, Lindsey, Mitchell, Patterson, Stout, Tully, Woods and Woodsward—15.

Those voting in the negative are,

Messrs. Abraham, Alston, Annis, Bennett, Brickey, Buchanan, Burke, Childers, Collins, Cromwell, Dennis, Dunn, Farmer, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Jett, Kelly, Kendall, King, Marshall, Matlock, Murphy, Neill, Newton, Noland, Patrick, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Thompson, Turman, Turner, Wells, Whittington, Wiley, Williams, Wright and Mr. Speaker—52.

So the amendment was lost.

Mr. Bell offered an amendment,

Which was lost.

Mr. Croft offered an amendment as follows:

Strike out all in the first and second lines.

The question being upon the adoption of the amendment, Mr. Croft called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Anthony, Collins, Croft, Fletcher of Mississippi, Stout, Whittington and Wiley—7.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Bell, Bertrand, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clements, Cromwell, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Thompson, Tully, Turman, Turner, Wells, Williams, Woods, Woodward, Wright and Mr. Speaker—62.

So the amendment was lost.

On motion of Mr. Marshall, it was ordered that said proposed amendments be the special order of the day on to-morrow.

On motion of Mr. Anthony, the House adjourned.

FRIDAY, December 18th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Reports from standing committees were in order.

Reports from select committees were in order.

The orders of the day were taken up.

The bill of the Senate entitled "an act making appropriations for the years 1847, 1848, and a part of the year of 1846, and for balances due from the State, was taken up and read a 1st time.

On motion of Mr. Fletcher of Miss., the rules of the House were dispensed with, and the bill read a 2d time, and referred to the committee of ways and means.

The memorial to Congress, praying for the establishment of a mail route, from Little Rock to Jackson, in the State of Missouri, was taken up, read a 3d time and passed.

The bill of the Senate entitled "an act to incorporate the Arkansas Rail Road and Transportation Company," was taken up, read a third time and passed.

The bill of the Senate entitled "an act to amend the several acts to establish a system of common schools in the State of Arkansas," was taken up, read a first time.

On motion of Mr. Robinson, the rules were suspended, and the bill read a second time, and referred to the committee on Education.

By leave, Mr. Dunn, from the select committee to whom was referred the petition of sundry citizens of Franklin county, praying that that portion of said county, lying south of the Arkansas river, be annexed to the territory of Crawford county, on the south side of said river.

Reported the petition back to the House as inexpedient, and asked to be discharged from the further consideration of the same.

Which report was adopted.

The joint resolution of the Senate instructing the Secretary of State to withhold from publication with the laws of the present General Assembly the joint resolutions and memorials, instructing our Senators in Congress, and requesting our Representative to use their influence for the purposes therein mentioned, passed at the present session of the General Assembly, was taken up, read a first and second time, and on motion of Mr. Collins, laid on the table indefinitely.

By leave, Mr. Clarke, from the select committee to whom was referred the bill to be entitled "an act to provide for the Public Printing," reported the bill back to the House without amendment and recommended its passage.

Which was read a third time, and on motion of Mr. Stotts, the bill was re-committed to the same committee.

The bill of the House entitled "an act amendatory of section 2 of chapter 12 of the Revised Statutes, under the head of 'attachments,' was taken up and read a second time, and on motion, referred to the committee on the judiciary.

The bill of the Senate entitled "an act directing the Secretary of State, to distribute the Acts and Journals of the present General Assembly among the several counties," was taken up and read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and the bill read a second and third time and passed.

On motion of Mr. Gould, the vote taken upon the joint resolution of the Senate, in relation to excluding from publication, certain memorials and joint resolutions, was reconsidered.

The question was then on the adoption of the joint resolution.

Which was adopted.

The memorial of the Senate, praying the passage of a law, donating a part or all of the unappropriated lands within the counties of Randolph, Green, Mississippi, Crittenden, Poinsett, St. Francis, Jackson and Monroe, to the State of Arkansas, for the purpose of removing the obstructions in the St. Francis, Black, Current and

Eleven Point rivers, was taken up, read a third time, and on motion of Mr. Fletcher of Miss. laid upon the table indefinitely.

The bill of the Senate to be entitled "an act to repeal the 159th and 160th sections, of chapter 4th of the Revised Statutes, under the head of 'Administration,' was taken up, read a first time, and on motion of Mr. Brown, the rules were dispensed with, and the bill read a 2d and 3d time and passed.

The joint resolution of the House requesting our delegation in Congress, to vote for an act granting to the State of Arkansas every alternate section of the unappropriated public lands within the State, that are subject to inundation by the rivers, Black, Mississippi, Arkansas, White and St. Francis, was taken up, and the amendment of the Senate concurred in.

The bill of the Senate entitled "an act to abolish the office of commissioner of public buildings, and for other purposes," was taken up and read a first time.

On motion of Mr. Bertrand, the rules were dispensed with, and the bill read a second and third time and passed.

The bill of the House entitled an act to amend the 85th chapter of the Revised Statutes, was taken up, and read as amended by the Senate.

The first, second and third amendments were rejected.

On motion of Mr. Bertrand, the fourth amendment was concurred in.

Mr. Gould moved a reconsideration of the vote on the concurrence of said amendment.

Which was sustained; so said amendment was again before the House.

Mr. Gould then offered an amendment to the amendment.

Which was adopted, and the amendment as amended was carried.

On motion of Mr. Collins, leave of absence was granted Mr. Bell.

The joint resolution of the Senate to go into the election of Digester of the Laws of Arkansas, Financial Receivers and Bank Attornies, on Friday the 18th inst., was taken up and concurred in.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled an act to extend the powers of the Trustees of the Real Estate Bank.

Also, a resolution instructing our Senators, and requesting our Representative to use their influence against any bill or resolution having a tendency to appropriate monies or lands belonging to the United States, to pay claims that were engrafted in the French Spoliation bill passed at the last session of Congress, and was vetoed by the President.

Which is herewith submitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House entitled "an act allowing appeals from the county to the circuit courts."

Also, "an act to equalize the acts of township commissioners and trustees therein named."

Also, "an act to authorize Jackson H. Rodgers administrator of the estate of Buonaparte H. Rodgers, to sell a certain slave named Charlotte."

Also, "an act to authorize T. P. Sadler, late sheriff of Yell county, to collect certain taxes."

Also, "an act to change the time of holding the county courts of the county of Lawrence."

Also, "an act to incorporate the Van Buren Bridge Company."

Also, "an act to amend the law concerning Mechanics' liens."

Also, "an act to authorize the appointment of commissioners in other States to take the acknowledgment of Deeds, &c." Also,

An act to authorize the administrators of Wm. D. Barnett, deceased, to convey certain lands. Also,

An act to extend the jurisdiction of justices of the peace. Also,

An act to amend the 4th chapter of the Revised Statutes, under the head of Administration. Also,

An act to attach a part of Chicot county to the county of Drew, with an amendment, in which the House is respectfully asked to concur.

All of which are herewith submitted.

The bill of the Senate entitled an act to give the probate courts power to grant orders for the sale of Real Estate, and for other purposes, was taken up and read a first time.

On motion of Mr. Brown, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Fletcher of Miss., the bill was referred to the committee on the judiciary.

By leave, Mr. Marshall, from the select committee to whom was referred the bill entitled an act to provide for the re-building of the penitentiary of this State; and also, a bill entitled an act to provide for levying the Arkansas river, on the South side, reported the last mentioned bill back to the House with two amendments.

Which were adopted, and read a first time.

On motion of Mr. Embree, the rules were dispensed with, and the amendments read a second time.

The bill of the Senate entitled an act to compel judges to interchange circuits, and hold courts for each other, was taken up and read a first time.

On motion of Mr. Crutchfield, the rules were dispensed with, and the bill read a second time, and

On motion of Mr. Bertrand, referred to the committee on the judiciary.

The bill of the Senate entitled an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purposes of internal improvement, and to establish a land office for that purpose, and for other things, was taken up, and read a first time, and

On motion of Mr. Croft, the rules were dispensed with, the bill read a second time, and referred to the committee on ways and means.

Mr. Woodward was called to the chair.

On motion of Mr. Clarke, the proposition to amend the 29th section of the fourth article of the Constitution, was taken up and read.

Mr. Croft offered an amendment to said proposition.

Which was lost.

Mr. Speaker resumed the chair.

The question was then upon the final passage of the proposition to amend the Constitution, the yeas and nays were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Bertrand, Billingsly, Brickey, Brown, Buchanan, Burke, Childers, Clarke, Collins, Croft, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Griffin, Hammock, Jeffrey, Jett, Kearby, Kendall, Lelie, Marshall, Matlock, Noland, Patrick, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turman, Turner, Woods, Woodward, Wright and Mr. Speaker—47.

Those voting in the negative, are

Messrs. Bennett, Bruton, Cross, Cromwell, Gentry, Grimes, Hill, Halcomb, Hughes, Kelly, King, Lindsey, Mitchell, Neill, Newton, Pettigrew, Wells, Whittington, Wiley and Williams—20.

So the proposition to amend the Constitution was passed.

Mr. Anthony, from the standing committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments to report the following bills correctly enrolled:

An act to incorporate the Van Buren Bridge Company.

An act for the relief of Elijah O'Brian, sheriff of Washington county.

An act supplementary to an act entitled an act for the election of school commissioners.

An act for the relief of Daniel Beck, sheriff of Fulton county.

An act to establish the county seat of Izard county.

An act to establish the county line between the counties of Carroll and Marion.

An act to repeal the 20th, 21st, and 22d sections of the thirty-ninth chapter of the Revised Statutes.

An act concerning slaves.

An act requiring the judges of the supreme court to make uniform rules of practice for the circuit courts.

An act to call in the county scrip of Perry county.

An act to authorize the purchasers of the 500,000 acres to transfer certificates thereof.

A memorial asking an appropriation to remove the raft in Red River.

A resolution asking a mail route from Gainesville to Charles Hatchers.

All of which are herewith returned.

On motion of Mr. Marshall, the propositions of the Senate to amend the Constitution of this State, were taken up.

Mr. Bertrand moved a call of the yeas and nays on each propositions.

Which was lost.

Mr. Patrick moved to strike out the fifth article in said amendments, and called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Bennett, Bertrand, Billingsly, Brown, Clarke, Clements, Collins, Croft, Crutchfield, Featherston, Fletcher of Miss., Fletcher of Pulaski, Jett, Lindsey, Patrick, Stotts, Stout, Thompson, Tully, Wiley, Woods and Wright—24.

Those voting in the negative, are

Messrs. Alston, Anthony, Brickey, Bruton, Buchanan, Burke, Childers, Cromwell, Cross, Dennis, Dunn, Embree, Farmer, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Kearby, Kelly, Kendall, King, Leslie, Marshall, Matlock, Mitchell, Neill, Newton, Noland, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Turman, Turner, Wells, Whittington, Williams, Woodward and Mr. Speaker—47.

So the motion to strike out was lost.

Mr. Matlock moved a reconsideration of the vote to call the yeas and nays on each proposition.

Which was sustained.

And said motion being again before the House it was adopted.

The question then being on the first proposition, the yeas and nays were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hill, Halcomb, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Tully, Turman, Turner, Wells, Whittington, Williams, Woods, Woodward, Wright and Mr. Speaker—67.

Those voting in the negative, are

Messrs. Collins, Croft, Fletcher of Mississippi, Hammock and Thompson—5.

So the first proposition was adopted.

The question being on the adoption of the second, third and fourth propositions, the yeas and nays were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Fmbree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Niell, Newton, Noland, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turman, Turner, Wells, Whittington, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker—73.

No one voting in the negative.

So said several propositions were adopted.

The question was then upon the motion to strike out the fifth proeositiou.

Those voting in the affirmative, are

Messrs. Alston, Anthony, Billingsly, Brickey, Bruton, Buchanan, Burke, Childers, Clarke, Cromwell, Cross, Dennis, Dunn, Embree, Farmer, Featherston, Forrest, Garner, Gentry, Griffin, Hammock, Hill, Halcomb, Hughes, Jeffrey, Kelly, Kendall, Leslie, Marshall, Matlock, Mitchell, Murphy, Neill, Noland, Patterson, Pettigrew, Ramsey, Sadler, Sharp, Thompson, Turman, Turner, Wells, Wiley, Williams, Woodward and Mr. Speaker—47.

Those voting in the negative, are

Messrs. Abraham, Annis, Bennett, Bertrand, Brown, Clements, Collins, Croft, Crutchfield, Fletcher of Miss., Fletcher of Pulaski, Gould, Grimes, Jett, Kearby, King, Lindsey, Newton, Patrick, Robinson, Stotts, Stout, Tully, Whittington, Woods and Wright—27.

So the fifth proposition was stricken out.

The question was then upon the adoption of the sixth, seventh and eighth propositions.

The yeas and nays were ordered and the roll called.

Those voting in the affirmative are,

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kelly, King, Kendall, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill; Newton, Noland, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turner, Turman, Wells, Whittington, *Wiley*, Williams, Woodward, Wright and Mr. Speaker—71.

Mr. Croft voted in the negative—1.

On motion of Murphy, Mr. Clarke was added to the committee on banks.

Mr. Embree was called to the chair.

By leave, Mr. Grimes introduced a bill to be entitled "an act to regulate the salaries of Bank Attornies and Financial Receivers of the State Bank and its Branches."

Which was read a first time.

On motion of Mr. Sharp, the rules were dispensed with, and the bill read a 2d time.

Mr. Gould offered an amendment to said bill.

Which was adopted, and read a first time.

On motion of Mr. Sharp, the rules were dispensed with, and bill read a second time.

Mr. Annis moved to refer the bill to the committee on ways and means.

Which was lost.

Mr. Croft and Mr. Bertrand, each offered an amendment.

Which was lost.

Mr. Hughes moved to refer the bill with the amendment to a sele ctcommittee.

Which was lost.

Mr. Marshall moved to dispense with the rules, that the bill as amended might be read a third time.

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Brickey, Bruton, Buchanan, Burke, Childers, Clements, Cromwell, Cross, Dennis, Dunn, Farmer, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Griffin, Grimes, Hammock, Jeffrey, Kearby, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Neill, Newton, Patrick, Patterson, Pettigrew, Ramsey, Sadler, Sharp, Stotts, Stout, Tully, Turman, Turner, Wells, Wiley, *Williams* and Wright—44.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Bertrand, Billingsly, Brown, Clarke, Collins, Croft, Crutchfield, Embree, Featherston, Gould, Hill, Hughes, Jett, Kelly, Noland, Robinson, Thompson, Woods and Woodward—22.

So the rules were dispensed with, and said bill read a third time.

Mr. Croft offered an amendment.

Which was lost.

The question being on the final passage of the bill, Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Annis, Billingsly, Brickey, Bruton, Buchanan, Burke, Childers, Clements, Collins, Cromwell, Cross, Dennis, Dunn, Farmer, Featherston, Fletcher of Mississippi, Forrest, Grimes, Hammock, Hill, Jeffrey, Jett, Kearby, King, Leslie, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Patrick, Patterson, Pettigrew, Ramsey, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turman, Turner, Wells, Wiley, Williams, Wright and Mr. Speaker—51.

Those voting in the negative, are

Messrs. Abraham, Anthony, Bertrand, Brown, Croft, Crutchfield, Embree, Fletcher of Pulaski, Garner, Gentry, Gould, Hughes, Kelly, Kendall, Lindsey, Noland, Whittington and Woods—18.

So the bill was passed.

On motion of Mr. Forrest the bill of the House to be entitled an act to distribute the proceeds of the 72 sections of land among the several counties, was taken up.

On motion of Mr. Annis, said bill was referred to a select committee consisting of *M*essrs. Annis, Murphy, Forrest, Jett, Robinson, *M*atlock and Croft.

On motion of Mr. Bertrand the bill of the Senate entitled an act to extend the powers of the trustees of the Real Estate Bank, was taken up.

Mr. Rust moved to reject the bill, and called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Annis, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Cromwell, Crutchfield, Dennis, Dunn, Embree, Farmer, Featherston, Fletcher of Miss., Fletcher of Pulaski, Forrest, Gentry, Griffin, Grimes, Hammock, Hill, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Lindsey, Marshall, Matlock, Murphy, Neill, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Stout, Thompson, Tully, Turman, Turner, Wells, Wiley, Williams, Woods, Woodward, Wright, and Mr. Speaker—57.

Those voting in the negative, are Messrs. Leslie, Newton and Stotts—3.

So the bill was rejected.

On motion of Mr. Tully, the House went into recess until 3 o'clock, P. M.

Three o'clock, P. M.

The House convened.

On motion of Mr. Croft, the Senate was informed that the House was ready to receive them for the purpose of going into the election of a digester of the laws of the State of Arkansas, financial receivers and bank attorneys for the State Bank of the State of Arkansas, and its branches.

The Senate now appeared in the Hall and were seated.

Mr. Speaker stated the object for which both houses were convened, and announced that nominations for digester of the laws of the State of Arkansas, were in order.

Mr. Hampton of the Senate nominated Elbert H. English.

No further nominations being made the roll of the houses was called, and Mr. English received the vote of all the members present.

In the Senate Mr. English received 22 votes.
In the House, 69 " Joint vote—91.

Whereupon Mr. Speaker proclaimed that Elbert H. English, had received the vote of both houses of the General Assembly of the State of Arkansas, was duly and constitutionally elected digester of the statute laws of the State of Arkansas.

Mr. Speaker then announced that nominations for financial receiver of the State Bank of the State of Arkansas at Little Rock, were in order.

Mr. Crutchfield of the House nominated Abner E. Thornton.

No further nominations being made, the roll of both houses was called.

Those members voting for Mr. Thornton, are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Bertrand, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Farmer, Featherston, Fletcher of Miss., Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kearby, Kelly, Kendall, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Stotts, Stout, Thompson, Tully, Turner, Wells, Whittington, Wiley, Williams, Woodward, Woods, Wright, and Mr. Speaker—66.

Mr. Embree voted for Mr. Evans.

Mr. Turman voted for Mr. Neill.

In the Senate Mr. Thornton received 21 votes.
In the House, 66 " Joint vote—87.

Mr. Speaker proclaimed that Abner E. Thornton had received a majority of the votes cast, of both branches of the General Assembly of the State of Arkansas, and was duly and constitutionally elected financial Receiver of the State Bank of the State of Arkansas at Little Rock, for the term prescribed by law.

Mr. Speaker announced that nominations for financial receiver of the branch of the State bank, at Fayetteville, were in order.

Marshall of the House, nominated Richard P. Pulliam.

No further nominations being made, the roll of both houses was called.

Those members of the House voting for Mr. Pulliam, are

Messrs. Abraham, Alston, Annis, Anthony, Bertrand, Bennett, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Collins, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Farmer, Featherston, Fletcher of Miss, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Newton, Noland, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Stout, Thompson, Tully, Turner, *Wells*, Whittington, Wiley, Williams, Woods, Woodward, Wright and Mr. Speaker—65.

Messrs. Clements, Embree and Jeffrey, voted for *M*r. Turman.

Mr. Turman voted for Col. Clements.

In the Senate Mr. Pulliam received 21 votes.

In the House, 65 " Joint vote—86.

Mr. Speaker proclaimed that Richard P. Pulliam had received a majority of the votes of both houses of the General Assembly of the State of Arkansas, and was duly and constitutionally elected financial receiver of the branch of the State bank at Fayetteville, for the time prescribed by law.

Mr. Speaker then announced that nominations for the branch bank of the State of Arkansas, at Batesville, were in order.

Mr. *W*iley of the House nominated Charles D. Cook.

Mr. McCamy of the Senate nominated Jesse C. Gainer.

No further nominations being made, the roll of both houses was called.

Those members of the House voting for Mr. Cook, are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Bertrand, Brickey, Brown, Buchanan, Burke, Childers, Collins, Dennis, Dunn, Embree, Featherston, Fletcher of Miss., Gould, Grimes, Hammock, Halcomb, Hughes, Jett, Kearby, Kelly, Kendall, King, Leslie, Matlock, Mitchell, Noland, Pettigrew, Ramsay, Robinson, Sadler, Sharp, Tully, Turman, *W*hittington, *W*iley, *W*illiams, *W*oods, *W*oodward and Mr. Speaker—45.

Those voting for Mr. Gainer, are

Messrs. Bruton, Clarke, Clements, Croft, Cromwell, Crutchfield, Cross, *F*armer, Fletcher of Pulaski, Garner, Gentry, Griffin, Hill, Jeffrey, Lindsey, Murphy, Neill, Newton, Turner, *W*ells and *W*right —21.

Mr. Marshall voted for Mr. Croft.

Mr. Thompson voted for Mr. Marshall.

In the Senate Mr. Cook received 2 votes.

In the House, 45 " Joint vote—47.

In the Senate Mr. Gainer received 17 votes.

In the House, 21 " Joint vote—38.

Mr. Speaker proclaimed that Charles D. Cook had received a majority of the votes of both houses of the General Assembly of the State of Arkansas, and was duly elected financial receiver of the branch of the State bank, at Batesville, for the time prescribed by law.

Mr. Speaker announced that nominations for financial receiver of the branch of the State bank at the Post of Arkansas, were in order.

Mr. Cross of the House nominated James M. Smith.

No further nominations being made, the roll of both houses was called, and Mr. Smith received all the votes cast in the House but four.

Messrs. Griffin, Patrick and Pettigrew, voted for Mr. Croft.

Mr. Stotts voted for Mr. Ramsey.

In the Senate Mr. Smith received 21 votes.

In the House, 64 " Joint vote—85.

Mr. Speaker proclaimed that James M. Smith having received a majority of the vote of both houses of the General Assembly, was duly elected financial receiver of the branch of the State bank, at Arkansas, for the time prescribed by law.

Mr. Speaker announced that nominations for attorney of the State Bank of the State of Arkansas, at Little Rock, were in order.

Mr. Crutchfield nominated Lemuel R. Lincoln.

No further nominations being made, the roll of both houses was called.

*W*hen Mr. Lincoln received 62 votes in the House. Scattering 6.

In the Senate Mr. Lincoln received 21 votes.

In the House, 62 " Joint vote—83.

Mr. Speaker proclaimed that Lemuel R. Lincoln having received a majority of the votes of both houses of the General Assembly, was duly elected attorney for the State Bank of the State of Arkansas at Little Rock, for the time prescribed by law.

Mr. Speaker announced that nominations for attorney of the branch of the State bank at Fayetteville, were in order.

Mr. Featherston of the House nominated Jonas M. Tebbetts.

Mr. Mitchell of the Senate nominated James P. Neill.

Mr. Stout of the House nominated Isaac Murphy.

Those members of the House voting for Mr. Tebbetts, are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Brickey, Brown, Bruton, Burke, Clarke, Collins, Cromwell, Crutchfield, Dunn, Farmer, Featherston, Fletcher of Miss., Fletcher of Pulaski, Forrest, Garner, Gentry, Griffin, Hill, Hughes, Jeffrey, Kearby, Kelly, Kendall, King, Lindsey, Mitchell, Newton, Robinson, Sadler, Tully, Turner, *W*illiams, *W*oods, *W*oodward and Mr. Speaker—40.

Those voting for Mr. Neill, are

*M*essrs. Bertrand, Buchanan, Dennis, Grimes, Hammock, Jett, Leslie, Matlock, Murphy, Noland, Pettigrew, Ramsay, Sharp, Thompson, *T*urman and *W*right—16.

Those voting for Mr. Murphy, are

Messrs. Childers, Clements, Croft, Cross, Embree, Gould, Halcomb, Marshall, Neill, Stotts and *W*ells—11.

In the Senate Mr. Tebbetts received 10 votes.
In the House, 40 " Joint vote—50.
In the Senate Mr. Neill received 9 votes.
In the House, 16 " Joint vote—25.
In the Senate Mr. Murphy received 3 votes.
In the House, 14 " Joint vote—17.

Mr. Speaker proclaimed that Jonas M. Tebbetts having received a majority of all the votes of both houses of the General Asembly, was duly elected attorney for the branch bank of the State bank at Fayetteville, for the time prescribed by law.

Mr. Speaker announced that nominations for attorney of the branch bank at Batesville, were in order.

Mr. Marshall nominated William C. Bivens.

No further nominations being made, the roll of both houses was called; when Mr. Bivens received in the House 65 votes. Scattering 7.

In the Senate Mr. Bivens received 21 votes.
In the House, 65 " Joint vote—86.

Mr. Speaker proclaimed that William C. Bivens having received a majority of the votes of both houses of the General Assembly, was duly elected attorney for the branch of the State bank at Batesville for the time prescribed by law.

Mr. Speaker announced that nominations were in order for attorney of the branch bank at the Post of Arkansas.

Mr. Gaines of the Senate nominated Martin W. Dorris.

No further nominations being made the roll of both houses was called:

When Mr. Dorris received in the House 65 votes. Scattering 3.
In the Senate Mr. Dorris received 22 votes.
In the House, 65 " Joint vote—87.

Mr. Speaker proclaimed that Martin W. Dorris having received a majority of the votes of both houses of the General Assembly, was duly elected Attorney of the branch bank at the Post of Arkansas, for the time prescribed by law.

The object of the convention of both houses having been accomplished, the Senate retired from the Representative Hall.

By leave, Mr. Crutchfield introduced a bill to be entitled "an act concerning the line between the counties of Pulaski and Saline;" which was read a first time.

On motion of Mr. Bertrand the rules were dispensed with, and the bill read a second and third time and passed.

On motion of Mr. Bertrand the house adjourned.

SATURDAY, December 19th, 1846.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

Mr. Speaker announced that petitions from counties were in order.

Reports from standing committees were in order.

Reports from select committees were in order.

The orders of the day were taken up.

The bill of the House entitled "an act to regulate the sale of the seminary lands," was taken up, read a second time, and the rules being dispensed with, read a third time and passed.

The bill of the House entitled "an act to amend the law relating to appeals from justices of the peace," was taken up and read a third time and passed.

The bill of the House entitled "an act to amend the law concerning the repeal of criminal statutes," was taken up, read a third time and passed.

Mr. Croft from the committee on internal improvements, to whom was referred several bills upon the subject of internal improvement, reported a substitute for said bills, entitled "an act to appropriate a part of the internal improvement fund of the State of Arkansas:

Which substitute was adopted; and

On motion of Mr. Sharp, laid on the table for the present.

Mr. Crutchfield was called to the chair.

By leave, Mr. Bertrand, from the committee on the judiciary to whom was referred the bill of the Senate, to be entitled "an act to give probate courts power to grant orders for the sale of real estate, and for other purposes," reported the same back to the House with an amendment.

Which amendment the rules having been dispensed with, was read a first and second time.

On motion of Mr. Bertrand the rules were dispensed with, and the bill as amended read a third time and passed.

By leave, Mr. Murphy from the select committee, to whom was referred the bill entitled "an act the more fully to define the line between the counties of Marion and Fulton," reported the same back, and recommended its passage.

Which was read a third time; and

On motion of Mr. Wells, laid on the table indefinitely.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have receded from the amendment made to the bill of the House entitled "an act to amend the 85th chapter of the revised statutes," in which the house refused to concur; and have concurred in the amendment of the house to the amendment of the senate to the 9th section of said bill.

The Senate have assented to the following bills of the House to-wit:

An act to regulate the practice of the supreme court.

An act to establish justices courts.

An act to legalize the distribution of the estate of Meredith B. Webb, dec'd, among his widow and heirs.

An act to amend the 110th chapter of the revised statutes.

An act to repeal an act to locate the seat of justice of Jackson county.

An act to extend the duties of constable.

An act to amend the 47th section of the 60th chapter of the revised statutes.

An act to revive certain parts of the revised statutes.

An act to provide for the sale of the 16th section, township 8 north, of range 32 west, in Upper township, Crawford county.

An act to refund to Gardner Cooper, sheriff of Desha county, certain penalties.

An act to amend the law in criminal proceedings.

An act to amend the charter of the city of Little Rock.

A joint resolution instructing our delegation in Congress, to use their influence to have all volunteers who rendezvoused at the different points, and were not received into the service of the United States, compensated for the same;

All of which are herewith returned.

The Senate have passed a bill, to be entitled "an act to tax cases before the supreme court;"

Which is herewith transmitted for the assent of the House of Representatives.

Mr. Speaker resumed the chair.

By leave, Mr. Gould from the committee on the judiciary, to whom was referred the bill, entitled "an act to compel circuit judges to change circuits and hold courts for each other," reported a substitute, which was rejected.

The original bill was then taken up and read a third time.

Mr. Bertrand offered an amendment by way of rider.

Which was lost.

Mr. Crutchfield moved to strike out that portion of the bill, authorizing the auditor to withhold from circuit judges one-half of their salaries, in case they should fail to interchange circuits;

Which motion was lost.

Mr. Gould moved to strike out "shall forfeit one-half of their salaries," and insert "shall forfeit one hundred dollars for each offence."

Which was lost.

Mr. Forrest called for the previous question, and it was sustained.

The yeas and nays were called for, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Anthony, Bennett, Billingsly, Brickey, Bruton, Buchanan, Clarke, Clements, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Featherston, Fletcher of Pulaski, Forrest, Garner, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Jeffrey, Jett, Kearby, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Mat lock, Murphy, Neill, Ramsey, Sadler, Sharp, Stout, Thompson, Turman, Woodward, and Wright—46.

Those voting in the negative, are

Messrs. Annis, Bertrand, Brown, Burke, Collins, Crutchfield, Fletcher of Mississippi, Gentry, Hughes, Noland, Robinson, Tully, Turner, *W*ells, Wiley, Woods, and Mr. Speaker—17.

So the bill passed.

Mr. Crutchfield was called to the chair.

By leave, Mr. Fletcher of *M*ississippi, from the committee on ways and means, to whom was referred the bill, entitled "an act to amend an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land-office for that purpose, and for other things," reported the same back to the House with several amendments.

The question then arose upon the adoption of the first and second amendments;

Which was adopted.

The question then arose upon the 3d amendment, as a substitute for the 6th section of the bill.

Mr. Gould moved to lay said bill and amendments on the table, indefinitely, and called for the yeas and nays.

Which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Anthony, Embree, Garner, Gould, Gaines, Hughes, Jeffrey, Kearby, Neill, Whittington, Wiley, Woods, and Wright—13.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Bennett, Bertrand, Billingsly, Brown, Bruton, Buchanan, Burke, Clarke, Clements, Collins, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Fletcher, of Mississippi, Fletcher, of Pulaski, Forrest, Gentry, Griffin, Hammock, Hill, Halcomb, Jett, Kelly, Kendall, King, Leslie, Lindsey, Matlock, Marshall, Murphy, Noland, Ramsey, Robinson, Sadler, Sharp, Stout, Thompson, Tully, Turman, Turner, Wells, Woodward, and Mr. Speaker—49.

So the motion to lay on the table was lost.

Mr. Rust offered an amendment to said bill, and called for the yeas and nays on its adoption.

Which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Bennett, Billingsly, Brown, Bruton, Buchanan, Burke, Clarke, Crutchfield, Gentry, Gould, Griffin, Hill, Kelly, Kendall, Lindsey, *W*oodward, and *M*r. Speaker—19.

Those voting in the negative, are

Messrs. Annis, Anthony, Bertrand, Brickey, Clements, Croft, Cromwell, Dennis, Dunn, Embree, *F*eatherston, Fletcher of Miss., Fletcher of Pulaski, Forrest, Garner, Grimes, Hammock, Halcomb, Hughes, Jett, Kearby, King, Leslie, Marshall, Matlock, Murphy, Neill, Noland, Ramsay, Robinson, Sadler, Sharp, Stout, Thompson, Turman, Turner, *W*ells, Whittington, Wiley, Woods, and *W*right —41.

So the amendment was lost.

*T*he question was then upon the adoption of said report, which was adopted.

The question was then upon the final passage of the bill.

Mr. Woods called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Bennett, Bertrand, Billingsly, Brown, Bruton, Buchanan, Clarke, Clements, Croft, Cromwell, Crutchfield, Dennis, Dunn, Fletcher of Miss., Fletcher of Pulaski, Forrest, Gentry, Griffin, Hill, Halcomb, Jett, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock,Murphy, Noland, Ramsey, Stout, Thompson, Turman, Turner, and *W*oodward—39.

Those voting in the negative, are

Messrs. Anthony, Brickey, Burke, Collins, Embree, Featherston, Garner, Gould, Grimes, Hammock, Hughes, Jeffrey, Kearby, Neill, Robinson, Sadler, Sharp, Wells, Whittington, Wiley, *W*oods and Wright—22.

So the bill passed as amended.

Mr. Bell, from the select committee to whom was referred the bill, entitled "an act for the relief of Christopher Luckie," reported the same back to the House and recommended its passage.

Which was read a third time and passed.

Mr. Anthony made the following report:

Mr. Speaker—I am instructed by the committee on enrollments, to report correctly enrolled, the following bills:

An act to legalize the acts of township commissioners and trustees therein named.

An act to authorize the appointment of commissioners in other States, to take the acknowledgment of deeds.

An act to refund to William R. Hallford, sheriff of Perry county, certain penalties paid by him, and for taking the census.

An act to repeal an act to locate the seat of justice of Jackson county.

An act to legalize the division of the estate of Meredith B. Webb, among the heirs.

An act for the sale of the 16th section, township 8 north, range 32 west.

An act to amend the charter of Little Rock city.

An act to amend the law regulating criminal proceedings.

An act to amend the 110th chapter of the revised statutes.

An act to revive certain parts of the revised statutes.

An act to refund to Gardner Cooper, sheriff of Desha county, certain penalties.

An act to amend the 47th section of the 60th chapter of the revised statutes.

An act to amend the 85th chapter of the revised statutes.

An act to regulate the practice before the supreme court.

An act to extend the duties of constables.

A resolution asking compensation for volunteers who were not received into the service of the United States.

All of which are returned.

Mr. Annis from a majority of the select committee to whom was referred the bill, entitled "an act to distribute the proceeds of the seventy-two sections of seminary lands," reported a substitute bill, entitled "an act to distribute the seventy-two sections of seminary lands, among the several counties in this State, for common school purposes.

Mr. Jett, from the minority of said committee, reported a substitute for the bill, reported by the majority of the committee, entitled "an act to distribute the proceeds of the seventy-two sections of seminary land, and for other purposes."

On motion of Mr. Crutchfield, said minority report was laid on the table indefinitely.

The question was then upon the adoption of the report made by said majority committee.

Which was adopted and said substitute bill read a first time.

On motion of Mr. Embree, the rules were dispensed with and said bill read a second time.

On motion of Mr. Forrest the rules were again dispensed with, and the bill read a third time.

Mr. Jett offered the following amendment:

Be it further enacted, That so much of the proceeds of the sales of the seventy-two sections, as shall fall to the share of Hempstead county, shall be granted according to the provisions of this bill, to the Washington male and female seminary;

Which was lost.

The question was then on the final passage of the bill.

Mr. Jeffrey called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Annis, Anthony, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Clark, Clements, Croft, Crutchfield, Dennis, Dunn, Fletcher of Pulaski, Forrest, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Kelly, Kendall, King, Leslie, Marshall, Matlock, Neill, Noland, Ramsey, Robinson, Sadler, Sharp, Stout, Thompson, Turman, Turner, Wells, Wiley, Woods, Woodward, Wright, and Mr. Speaker—48.

Those voting in the negative, are

Messrs. Abraham, Bennett, Burke, Collins, Cromwell, Fletcher of Miss., Jett, Kearby, Lindsay, Murphy, Tully, and Whittington—12.

So the bill was passed.

By leave, Mr. Embree from the select committee, to whom was referred the bill, entitled "an act to prevent the removal of property beyond the limits of this State, in certain cases therein mentioned," reported said bill back to the House without amendment, and the bill was read a third time and passed.

By leave, Mr. Clark from the select committee to whom was referred the bill, entitled "an act to provide for the public printing," reported the same back with an amendment, which was adopted and read a first and second time, and then a third time and passed.

By leave, Mr. Brown from the committee on the judiciary to whom was referred the bill, entitled "an act to amend the 2d section of the 12th chapter of the revised statutes," reported against the passage of said bill, which report was adopted and the bill rejected.

Mr. Speaker resumed the chair.

Mr. Anthony made the following report:

Mr. Speaker—I am instructed to inform your honorable body, by the committee on enrollments, to report correctly enrolled the bill, entitled:

"An act to define the jurisdiction and regulate the proceedings of justices of the peace;

Which is herewith returned.

On motion of Mr. Forrest, the substitute bill, entitled "an act to provide for the levying the Arkansas river on the south side, from the termination of the levy at Col. James Smith's, to Napoleon."

Was taken up and read a third time.

Mr. Collins moved to strike out all after the enacting clause of said bill, and offered the original bill of the House as a substitute for said substitute bill.

The question then arose upon the adoption of the substitute offered by Mr. Collins.

Mr. Bruton called for the yeas and nays, which were ordered, and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Burke, Clements, Collins, Crutchfield, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gould, Hill, Hughes, Jett, Kearby, Kendall, Lindsey, Matlock, Mitchell, Neill, Noland, Robinson, Stout, Tully, Turner, Whittington, Woods, Woodward, and Mr. Speaker—34.

Those voting in the negative, are

Messrs. Alston, Billingsly, Bruton, Buchanan, Childers, Clarke, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Gentry, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Kelly, King, Leslie, Marshall, Murphy, Ramsey, Sadler, Sharp, Thompson, Turman, Wells, Wiley and Wright—32.

So the substitute was adopted.

Mr. Mitchell moved a reconsideration of the vote upon the adoption of said substitute.

Mr Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Billingsley, Bruton, Childers, Clarke, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Kelly, King, Leslie, Marshall, Mitchell, Murphy, Ramsey, Sadler, Sharp, Thompson, Turman, Wells, Wiley, and Wright—30.

Those voting in the negative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brickey, Brown, Burke, Clements, Collins, Crutchfield, Fletcher of Miss., Fletcher of Pulaski, Garner, Gentry, Gould, Hill, Hughes, Jett, Kearby, Kendall, Lindsey, Matlock, Neill, Noland, Robinson, Stout, Tully, Turner, Whittington, Woods, Woodward, and Mr. Speaker—34.

So the House refused to reconsider the vote.

Mr. Sharp moved an adjournment.

Mr. Crutchfield called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Childers, Clarke, Croft, Cromwell, Cross, Dunn, Embree, Grimes, Halcomb, Jeffrey, King, Leslie, Marshall, Ramsay, Sadler, Sharp, and Wells—17.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Anthony, Bell, Bennett, Bertrand, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Clements, Collins, Crutchfield, Dennis, Fletcher of Miss., Fletcher of Pulaski, Forrest, Gentry, Gould, Griffin, Hammock, Hill, Hughes, Jett, Kearby, Kelly, Kendall, Lindsey, Mitchell, Neill, Noland, Robinson, Stout, Thompson, Tully, Turman, Turner, Whittington, Wiley, Williams, Woods, Woodward, Wright, and Mr. Speaker—47.

So the motion to adjourn was lost.

Mr. Brown was called to the chair.

Mr. Bertrand moved the previous question which was sustained.

The question being upon the final passage of the bill, Mr. Marshall called for the yeas and nays;

Which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bell, Bennett, Bertrand, Brown, Burke, Clements, Collins, Crutchfield, Fletcher of Miss., Fletcher of Pulaski, Garner, Gould, Hill, Hughes, Jett, Kearby, Kendall, Lindsey, Matlock, Neill, Noland, Robinson, Stout, Tully, Turner, Whittington, Woods, Woodward, and Mr. Speaker—33.

Those voting in the negative, are

Messrs. Alston, Billingsly, Bruton, Buchanan, Childers, Clarke, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Gentry, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Kelly, King, Leslie, Marshall, Mitchell, Murphy, Ramsay, Sadler, Sharp, Thompson, Turman, Wells, Wiley, and Wright—33.

So the House refused to pass said bill.

Mr. Speaker resumed the chair.

On motion of Mr. Bertrand, the House adjourned.

MONDAY, December 21st, 1846.

The House met pursuant to adjournment.

On motion of Mr. Gould, the reading of the journal was dispensed with.

Mr. speaker announced that petitions from counties were in order.

Reports from standing committees were in order.

Reports from select committees were in order.

On motion of Mr. Gould, the bill to attach a part of Chicot county, to Drew county, was taken up and the amendment of the Senate thereto, concurred in.

The bill of the House, to authorize John V. Newman, to keep a ferry across the Mississippi river, at the town of Napoleon, in Desha county, Arkansas;

Was taken up and read and the amendment of the Senate thereto, concurred in.

The bill, to be entitled "an act to repeal the 11th section of the 148th chapter of the revised statutes, in relation to taverns and groceries;"

Was taken up, read a third time and rejected.

The bill, to be entitled "an act to amend the militia law of this State;"

Was taken up and the amendment of the Senate, concurred in.

The amendments to the Constitution by the Senate, number 6th, 7th, and 11th, in relation to the reduction of the Representation in the General Assembly of the State of Arkansas, was taken up and read a first time.

The resolution of the Senate, instructing our delegation in Congress to cast their votes against any bill or resolution having a tendency to appropriate monies out of the Treasury of the United States, or lands belonging to the United States, to pay claims which were engrafted on the French Spoliation bill, which passed Congress the last session, was taken up, read and concurred in.

The bill to be entitled "an act to direct the officers of the Bank of the State of Arkansas to take title to Real Estate in the name of the State of Arkansas," was taken up, read a third time and passed.

The bill of the House to be entitled "an act to repeal a part of the act called the specie bill, and to provide for paying the expenses of the present General Assembly, and for other purposes," was taken up and read a third time, and put upon its final passage.

Mr. Fletcher of Miss., called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Garner, Grimes, Jeffrey, Murphy, Noland and Sharp—6.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Billingsly, Bricky, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Croft, Cromwell, Cross, Dunn, Dennis, Embree, Fletcher of Mississippi, Forrest, Gentry, Gould, Griffin, Hammock, Hill, Halcomb, Jett, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Neill, Robinson, Sadler, Stout, Tully, Turman, Turner, Wells, Whittington, Wiley and Mr. Speaker—43.

So the bill was lost.

The bill of the House to be entitled "an act to extend the powers and duties of the officers of the principal Bank of the State of Arkansas," was taken up and read a 2d time.

Mr. Marshall offered the following amendment:

Insert after the words 'can be effected at,' in the first section the words 'a price at least equal to that at which it was received from the bank debtor,' striking out the remainder of said section.

Which was adopted.

Mr. Gould offered the following amendment:

Sec. —. *Be it further enacted*, That the salaries of the several bank officers shall be paid out of the funds of the bank by the financial receiver at Little Rock, which funds shall not be paid out at a lower rate than that at which they have been received by the bank.

Mr. Clarke was called to the chair.

Mr. Rust offered an amendment to the amendment of Mr. Gould.

Which was adopted.

The question was taken upon the adoption of the amendment of Mr. Gould, as amended.

Which was adopted.

The question was then upon the final passage of the bill as amended.

Which was lost, and the bill rejected.

The bill of the Senate entitled "an act to tax cases before the supreme court," was taken up and read, and on motion of Mr. Bertrand, rejected.

Mr. Anthony, from the committee on enrollments, reported correctly enrolled, the following acts, resolutions and memorials:

An act to establish the county seat of Izard county.

An act to authorize Wm. Franks to build a mill dam across L'Anguille river.

An act to change the name of Mildred Cyphers.

An act to legalize township commissioners therein named.

An act concerning the recording of deeds.

An act to refund to Wm. R. Halford, sheriff of Perry county.

An act to authorize the appointment of commissioners in other States to take the acknowledgment of deeds.

An act to provide for the revising and digesting the Statutes of this State.

An act to authorize purchasers of the 500,000 acres of land to transfer and assign certificates.

An act to require judges of the supreme court, to make uniform rules of practice for the circuit courts.

An act to call in the scrip of Perry county.

An act to establish the line between the counties of Carroll and Marion.

An act for the relief of Elijah O'Brien, sheriff of Washington county.

An act for the relief of Daniel Beck, sheriff of Fulton county.

An act to arrange the Senatorial districts, and to apportion the Senators and Representatives in this State.

An act concerning slaves.

An act to incorporate the Van Buren Bridge Company.

An act supplemental to an act for the election of school commissioners.

An act to require the county court of the several counties, to provide for paying the postage on the surpeme court reports.

An act to amend an act to incorporate the Little Rock Bridge Company.

An act to repeal the 7th section of the act approved the 2nd day of —— 1842, entitled an act authorizing a geological survey of this State.

An act to repeal the 3d section of the 109th chapter of the Revised Statutes.

An act to define the jurisdiction, and regulate the proceedings of justices courts.

An act to authorize the Governor to exchange lands with James Black.

An act to change the time of holding the probate court of Ouachita county.

An act to regulate the redemption of county scrip.

A memorial asking Congress to grant compensation to volunteer companies, who were not received into the service of the United States.

A memorial asking an appropriation for the removal of the rafts in Red River.

A resolution authorizing the Secretary the of State to publish all laws of a general nature in some newspaper.

A resolution asking a mail route to be established from Gainsville to Hatchers P. O. on Eleven Point river.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendments of the House, to the bill of the Senate, entitled "an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose, and for other matters."

Also, in the amendments of the House to the bill of the Senate, entitled "an act to compel the judges of the circuit courts, to exchange circuits and hold courts for each other."

The Senate have assented to the bill of the House of Representatives, entitled "an act to authorize the administratrix of the estate of Robert S. Gibson deceased, to liquidate all debts and claims against said estate."

An act to amend the law relating to appeals from justices of the peace.

An act concerning the repeal of criminal Statutes.

An act for the relief of Chistopher H. Luckie.

An act to amend the 4th chapter of the Revised Statutes, under the head of 'administration.'

All of which are herewith returned.

The Senate have passed a bill to be entitled "an act to prevent the officers of the State from acting as agents in paying taxes for non-residents or others."

Also, "an act to pay the secretaries of the Senate and clerks of the House of Representatives."

Also, "an act to provide for the rebuilding of the Penitentiary of this State."

All of which is herewith transmitted for the assent of the House of Representatives.

The Senate have concurred in the amendments of the House to the bill of the Senate, entitled "an act to give the probate court power to grant orders for the sale of real estate, and for other purposes."

The joint resolution for the appointment of an agent to hold conference with the Bondholders of the State Bonds of the State of Arkansas," was taken up, read and adopted.

The Bill of the House entitled "an act to reduce the price of certain lands located under the 500,000 acre donation," was taken up, read a second time, and on motion of Mr. Forrest, rejected.

The bill of the House entitled "an act to authorize Wm. Keller of Phillips county, as administrator of P. G. Kennett deceased, to sell certain real estate, and for other purposes," was taken up, read a second time, and on motion Mr. Crutchfield, laid on the table indefinitely.

The bill entitled "an act concerning forfeited lands," was taken up, read a third time as amended, and passed.

The joint resolution of the House, making it the duty of the principal receiver of the State Bank of Arkansas, to exchange the real estate paper now in his hands, with the agent or representative of the Real Estate Bank of the State of Arkansas, for the paper of the State Bank or its Branches, or for the Bonds of the State, was taken up, read and adopted.

Mr. Clarke was called to the chair.

On motion of Mr. Noland, the vote upon the joint resolution of the House, instructing the principal receiver of the State Bank, to exchange the Real Estate Bank paper in his hands, for the paper of the State Bank or its Branches, or for State Bonds, was reconsidered, and so said resolution was again before the House.

Mr. Noland moved to strike out the last paragraph of said resolution.

Mr. Bertrand moved to lay said resolution on the table until March, 1847.

Mr. Rust called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Bertrand, Brickey, Clements, Collins, Cromwell, Crutchfield, Fletcher of Pulaski, Forrest, Gentry, Gould, Grimes, Hughes, Matlock, Murphy, Neill, Noland, Ramsey, Stout, Turman, Turner, Whittington, Woods and Woodward—23.

Those voting in the negative, are

Messrs. Abraham, Alston, Annis, Anthony, Bell, Billingsly, Brown, Bruton, Buchanan, Burke, Clarke, Croft, Cross, Dennis, Dunn, Embree, Fletcher of Mississippi, Garner, Griffin, Hill, Halcomb, Jeffrey, Jett, Kendall, King, Leslie, Lindsey, Marshall, Sadler, Sharp, Wells, Wiley, Wright and Mr. Speaker—35.

So the motion to lay on the table was lost.

On motion of Mr. Embree, said resolution was referred to a select committee of three, consisting of Messrs. Embree, Marshall and Billingsly.

Mr. Speaker resumed the chair.

The bill of the House entitled an act to regulate the fees of Attornies for the State in certain cases, was taken up, read a third time and rejected.

The bill entitled an act to establish the northern boundary line of the State of Arkansas, was taken up and read a second time.

On motion of Mr. Fletcher of Mississippi, the rules were dispensed with, and the bill read a 3d time and passed.

The bill of the House entitled an act to define the boundary line between the counties of Saline and Hotspring, was taken up and read a 2nd time.

Mr. Hughes offered a substitute for said bill.

Which was adopted, and read a first time.

On motion of Mr. Woods, the rules were dispensed with, and said substitute bill read a second time, and then a third time and passed.

The bill of the Senate entitled "an act to compensate justices of the peace, for services performed under the fifth section of an act entitled an act to donate to settlers the right of the State to certain forfeited lands, approved December 23d 1840," was taken up, read a third time and passed.

Mr. Brown moved to reconsider the vote upon the rejection of the bill entitled an act to regulate the fees of Attornies for the State in certain cases.

Which motion was lost.

The bill of the Senate entitled "an act to prevent the officers of the State from acting as agents, in paying taxes for non-residents or others," was taken up and read a first time, the rules of the House were then dispensed with, and the bill read a 2d and 3d time and passed.

The bill of the Senate entitled "an act to pay the secretaries of the Senate and the clerks of the House of Representatives," was taken up and read a first time.

On motion of Mr. Gould, the rules were dispensed with, and said bill read a second time.

Mr. Gould moved to amend the bill, so as to give the assistant clerk six dollars per day.

Mr. Alston called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative are,

Messrs. Abraham, Annis, Bennett, Bertrand, Brickey, Brown, Bruton, Buchanan, Burke, Clarke, Collins, Crutchfield, Embree, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Gentry, Gould, Griffin, Hill, Hughes, Jett, Kelly, Kendall, Noland, Robinson, Stout, Tully, Turner, Whittington, Woods, Woodward and Mr. Speaker—33.

Those voting in the negative, are

Messrs. Alston, Billingsly, Clements, Cromwell, Cross, Dennis, Dunn, Grimes, Halmcomb, Jeffrey, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Ramsey, Sadler, Sharp, Wells, *Wiley* and *Wright*--24.

So said amendment was adopted.

On motion of Mr. Brown, the rules were again dispensed with, and the bill read a third time.

The question then being on the final passage of the bill, Mr. Marshall called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Bennett, Bertrand, Brickey, Brown, Burke, Clarke, Collins, Embree, Fletcher of Miss. Fletcher of Pulaski, Garner, Gentry, Gould, Griffin, Hill, Hughes, Jett, Kelly, Kendall, Neill, Noland, Tully, Turner, Whittington, Woods, Woodward and Mr. Speaker—29.

Those voting in the negative are,

Messrs. Alston, Anthony, Billingsly, Bruton, Buchanan, Childers, Clements, Croft, Cromwell, Cross, Dennis, Dunn, Forrest, Grimes, Hammock, Halcomb, Jeffrey, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Ramsey, Robinson, Sadler, Sharp, Stout, Turman, Wells, Wiley and Wright—33.

So the bill was lost.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your Honorable body, that the Senate have assented to the bill of the House, entitled "an act concerning the line between the counties of Pulaski and Saline.

Which is herewith returned.

The bill of the Senate entitled "an act to provide for the rebuilding of the Penitentiary of this State," was taken up and read a first time.

Mr. Brown was called to the chair.

On motion of Mr. Croft, the rules were dispensed with, and said bill read a 2d time.

On motion of Mr. Rust, said bill was referred to a select committee of three.

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Annis, Billingsly, Brown, Bruton, Buchanan, Childers, Clarke, Croft, Cromwell, Cross, Dennis, Dunn, Griffin, Hammock, Halcomb, Jeffrey, Leslie, Marshall, Matlock, Mitchell, Murphy, Ramsey, Sharp, Stout, Tully, Turner, Wells, Wiley, Wright and Mr. Speaker—31.

Those voting in the negative, are

Messrs. Abraham, Anthony, Bell, Bennett, Bertrand, Brickey, Burke, Clements, Collins, Crutchfield, Embree, Fletcher of Miss., Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Grimes, Hill, Hughes, Jett, Kendall, Lindsey, Neill, Noland, Robinson, Sadler, Whittington, Woods and Woodward—30.

So the bill was referred to Messrs. Alston, Noland and Kendall, and on motion, Messrs. Annis and Embree, were added to said committee.

Mr. Speaker resumed the chair.

By leave, Mr. Noland introduced a joint resolution, to go into the election of Land Attorney this day at 3 o'clock, P. M.

Which was adopted.

Mr. Crutchfield was called to the chair.

Mr. Bertrand introduced the following resolution:

Resolved, That the select committee to whom was referred the Senate's bill to rebuild the Penitentiary, be instructed to report to this House, what the rebuilding of said Penitentiary will cost the State, in the event that said committee should recommend its removal from the city of Little Rock, and rebuilding elsewhere.

Which was adopted.

The bill entitled "an act to compel judges of the circuit courts to interchange circuits, and hold courts for each other," was taken up and read a third time, and on motion of Mr. Brown, was laid on the table indefinitely.

Mr. Anthony made the following report;

Mr. Speaker—I am instructed to inform your honorable body, that the following bills are correctly enrolled:

An act allowing appeals from county courts to the circuit courts;

An act to authorize T P. Sadler, to collect arrearages of taxes in Yell county;

An act to authorize J. H. Rogers, administrator of the estate of B. H. Rodgers, dec'd, to sell certain slaves;

An act to amend the 4th Chapter, under the head of "administration;"

An act to extend the jurisdiction of justices of the peace;

An act to authorize Wm. Franks and others, to build a dam across L'Anguille river;

An act to change the time of holding the county courts in Lawrence county;

An act to allow certain citizens of Pulaski county, to erect a dam across Bayou la Fourche;

An act to authorize the administrator of William Barnett, alias Wm. D. Barnett, to convey certain lands;

An act to change the name of Mildred Ciphers to the name of Mildred Shumate;

An act to establish justices' courts;

An act concerning the recording of deeds;

All of which are herewith returned.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to provide for the payment of judgments against the Bank of the State of Arkansas, out of the assets of said bank;" which is herewith transmitted for the assent of the House of Representatives.

The Senate have assented to the bill of the House, entitled "an act to regulate the sale of the seminary lands," with an amendment; which is herewith returned.

The bill of the Senate entitled "an act to provide for the payment of judgments against the State Bank of Arkansas, out of the assets of said bank," was taken up and read a first time.

On motion of Mr. Brown the rules were dispensed with, and said bill read a second time.

Mr. Embree moved to refer said bill to a select committee of three; which was lost.

On motion of Mr. Brown the rules were again dispensed with, and said bill read a third time and passed.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill entitled "an act further to define the duties of financial receivers of the State bank and branches," which is herewith transmitted for the assent ef the House of Representatives.

The bill of the House entitled "an act to authorize the land agent of the State of Arkansas, to dispose of the seminary land," was taken up, and read as amended by the Senate, and said amendment concurred in.

Mr. Speaker resumed the chair.

The bill of the Senate entitled "an act further to define the duties of financial receivers of the State bank and branches, was taken up and read a first time; and

On motion of Mr. Embree the rules were dispensed with, and said bill read a second time and a thied time; when

Mr. Bertrand offered an amendment, which was rejected.

The question being upon the final passage of the bill, the yeas and nays were called for, which were ordered and the roll called.

Those voting in the affirmative, were

Messrs. Alston, Annis, Anthony, Billingsly, Brickey, Bruton, Buchanan, Burke, Childers, Clarke, Croft, Cross, Dennis, Dunn, Embree, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kelly, Kendall, King, Leslie, Marshall, Matlock, Mitchell, Ramsey, Robinson, Sadler, Sharp, Tully, Turman, Wells, Whittington, Wiley, Wright and Mr. Speaker—41.

Those voting in the negative, are

Messrs. Abraham, Bennett, Bertrand, Brown, Clements, Cromwell, Crutchfield, Fletcher of Miss., Fletcher of Pulaski, Forrest, Farmer, Gould, Lindsey, Murphy, Neill, Noland, Stout, Turner, Woods, and Woodward—20.

So the bill passed.

The bill of the House entitled "an act to amend an act entitled an act to amend the road law, approved January 9th, 1845," was taken up and read a second time; and

On motion of Mr. Bertrand it was laid on the table indefinitely.

The bill of the House entitled "an act to authorize Benjamin Spencer to peddle without license," was taken up read a second time, and laid upon the table indefinitely.

The bill of the House entitled "an act to call in the branch banks of the State Arkansas," was taken up and read a third time.

Mr. Brown moved to lay said bill upon the table indefinitely.

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Annis, Anthony, Bennett, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Collins, Cross, Crutchfield, Dennis, Dunn, Embree, Fletcher, of Mississippi, Fletcher, of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Hammock, Hill, Halcomb, Hughes, Jett, Kelly, Kendall, King, Leslie, *M*atlock, Mitchell, Neill, Noland, Robinson, Sadler, Sharp, Stout, Tully, Turman, Turner, Wells, Whittington, *W*oodward, Wright and Mr. Speaker—49.

Those voting in the negative, are

Messrs. Abraham, Bertrand, Clements, Cromwell, Grimes, Jeffrey, Marshall, Murphy, Ramsay, *W*iley, and Woods—12.

So the bill was laid on the table.

The bill entitled an act to provide for the payment of the expenses of the present General Assembly, and to regulate the issuing of scrip, and the redemption thereof, was taken up, and read a third time.

Mr. Noland offered a substitute for said bill.

Mr. Brown was called to the chair.

Mr. Rust moved to lay said bill and substitute on the table indefinitely, and called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Anthony, Bell, Bennett, Billingsly, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Collins, Cromwell, Cross, Dennis, Dunn, Embree, Fletcher, of Miss., Fletcher, of Pulaski, *F*orrest, Garner, Gentry, Gould, Griffin, Grimes, Hill, Halcomb, Hughes, Jett, Kelly, Kendall, King, Lindsey, Marshall, Matlock, Mitchell, Noland, Ramsay, Robinson, Sadler, Sharp, Stout, Tully, *T*urman, Turner, Wells, Whittington, Wiley, Woods, Woodward, and Mr. Speaker—52.

Those voting in the negative, are

Messrs. Annis, Bertrand, Clements, Crutchfield, Hammock, Jeffrey, Leslie, Murphy, Neill, and *W*right—10.

So said bill and substitute were laid on the table.

On motion of Mr. Bertrand the House went into recess until three o'clock, P. M.

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3 o'clock, P. M.

The House convened.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the resolution of the House, to go into the election of land attorney to-day, at 3 o'clock, P. M.

On motion of Mr. Collins, leave of absence was granted to Mr. Bell.

On motion of Mr. Cross the Senate was informed that the House was in readiness to go into an election of land attorney for the State of Arkansas, and that the Hall of the House was in readiness to receive the Senate.

The Senate appeared within the Hall of the House of Representatives.

Mr. Speaker announced the purpose for which the two houses were convened, and that nominations for land attorney of the State of Arkansas were in order.

Mr. Gaines of the Senate nominated Ebenezer Cummins.

No further nominations being made, the roll of both houses was called.

Those members of the house voting for Mr. Cummins, are

Messrs. Abraham, Alston, Annis, Anthony, Bertrand, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clements, Collins, Croft, Cromwell, Crutchfield, Dennis, Dunn, Embree, Fletcher of Miss., Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kelly, Kendall, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Noland, Robinson, Sadler, Sharp, Stout, Tully, Turner, Wells, Whittington, Wiley, Woods, Woodward, Wright, and Mr. Speaker—56.

Scattering—5.

Mr. Cummins received in the Senate 18 votes.
In the House, 56 " Joint vote—74.

Whereupon Mr. Speaker proclaimed that Ebenezer Cummins having received a majority of the votes of both houses of the General Assembly of Arkansas, was duly elected land attorney for the State of Arkansas, for the term prescribed by law.

The object for which the houses convened, having been accomplished, the Senate withdrew.

Mr. Anthony from the committee on enrollments reported correctly enrolled the following acts:

An act to authorize John B. Newman to keep a ferry across the Mississippi river.

An act to amend the law concerning the repeal of criminal statutes.

An act to amend the law in relation to appeals from justices of the peace.

An act concerning the line between the counties of Pulaski and Saline.

An act to amend the 4th chapter of the revised statutes, under the head of "administrator."

An act for the relief of Christopher A. Luckie.

On motion of Mr. Robinson, the vote by which the house rejected the bill of the Senate, entitled "an act to pay the secretaries of the Senate and clerks of the House," was reconsidered.

The bill was again before the house, and the question being on its final passage, Mr. Marshall called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Bennett, Bertrand, Brickey, Brown, Burke Clarke, Collins, Croft, Crutchfield, Embree, Fletcher of Miss., Fletcher of Pulaski, Garner, Gentry, Gould, Griffin, Hill, Hughes, Jett, Kelly, Kendall, King, Lindsey, Neill, Noland, Robinson, Stout, Tully, Turner, Whittington, Woods, Woodward, and Mr. Speaker —35.

Those voting in the negative, are

Messrs. Alston, Anthony, Billingsly, Bruton, Buchanan, Childers, Clements, Cromwell, Cross, Dennis, Dunn, Forrest, Grimes, Hammock, Halcomb, Jeffrey, Leslie, Marshall, Matlock, Mitchell, Murphy, Ramsey, Sadler, Sharp, Turman, Wells, Wiley, and Wright —28.

So said bill passed as amended.

Mr. Crutchfield was called to the chair.

By leave, Mr. Noland from the select committee, to whom was referred the bill of the Senate, to be entitled an act for the rebuilding of the penitentiary of this State, reported the same back to the house and recommended its passage.

Mr. Rust offered a substitute for said bill.

Mr. Noland called for the previous question, which was sustained.

The question then being upon the adoption of the substitute,

Mr. Embree called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Billingsly, Brown, Bruton, Buchanan, Clarke, Croft, Dennis, Dunn, Fletcher of Miss., Forrest, Garner, Gould, Griffin, Hill, Halcomb, Leslie, Matlock, Murphy, Ramsey, Sharp, Stout, Tully, Turner and Mr. Speaker—27.

Those voting in the negative, are

Messrs. Anthony, Bennett, Bertrand, Brickey, Burke, Childers, Clements, Collins, Cromwell, Cross, Crutchfield, Embree, Fletcher of Pulaski, Gentry, Grimes, Hammock, Hughes, Jeffrey, Jett, Kelly, Kendall, King, Lindsey, Marshall, Mitchell, Neill Noland, Robinson, Sadler, Turman, Wells, Whittington, Wiley, Woods, Woodward and Wright—36.

So the House refused to adopt the substitute.

The question then arose upon the adoption of the amendment to said bill by the select committee; which was decided in the affirmative, and the amendment adopted.

The question then arose upon the final passage of the bill.

Mr. Embree called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Anthony, Bennett, Bertrand, Brickey, Brown, Burke, Clements, Crutchfield, Fletcher of Miss., Fletcher of Pulaski, Garner, Gould, Hill, Hughes, Jett, Kendall, Lindsey, Matlock, Neill, Noland, Robinson, Stout, Turner, Whittington, Woods, Woodward and Mr. Speaker—28.

Those voting in the negative, are

Messrs. Alston, Annis, Billingsly, Bruton, Buchanan, Childers, Clarke, Collins, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Gentry, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Kelly, King, Leslie, Marshall, Mitchell, Murphy, Ramsay, Sadler, Sharp, Turman, Wells, Wiley and Wright—33.

So the bill was lost.

Mr. Speaker resumed the chair.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act providing for the provisions and other expenses of the militia of Benton county;" which is herewith transmitted for the assent of the House.

Also, that the Senate have refused to concur in the amendment of the House, to the bill of the Senate, to be entitled "an act providing for paying the secretaries of the Senate and clerks of the House of Representatives."

By leave, Mr. Gould introduced a joint resolution, authorizing the Governor of this State, to form a chain-gang of the convicts of the penitentiary, and to employ an agent to superintend their management, upon certain works of internal improvement.

Mr. Bertrand moved to reject said resolution and called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bennett, Bertrand, Brickey, Brown, Burke, Clements, Collins, Croft, Crutchfield, Fletcher of Miss., Fletcher of Pulaski, Hill, Hughes, Jett, Kendall, Lindsey, Matlock, Mitchell, Neill, Noland, Robinson, Stout, Tully, Whittington, Woods, Woodward, and Mr. Speaker—30.

Those voting in the negative, are

Messrs. Alston, Billingsly, Bruton, Buchanan, Childers, Clarke, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Kelly, King, Leslie, Marshall, Murphy, Ramsay, Sadler, Sharp, Turner, Wells, Wiley, and Wright—32.

So the motion to reject was lost.

Mr. Brown was called to the chair.

Mr. Rust offered an amendment to said resolution, so that said convicts be employed in opening a road from the State of Missouri, through the State of Arkansas, and so as to pass through Washington county, and over the Boston mountain.

Mr. Croft offered an amendment to said amendment, which was lost.

Mr. Speaker resumed the chair.

The question then being upon the adoption of the amendment of Mr. Rust, the same was lost.

Mr. Bertrand moved to adjourn, which was lost.

Mr. Embree moved to refer the resolution of Mr. Gould to a select committee.

Mr. Bertrand called for the yeas and nays, which were ordered and the roll called.

Those voting in affirmative, are

Messrs. Alston, Annis, Billingsly, Bruton, Buchanan, Croft, Leslie, Matlock, Murphy, Robinson, Sharp, Stout, Wells, Wiley and Wright—15.

Those voting in the negative, are

Messrs. Bennett, Bertrand, Brickey, Brown, Burke, Childers, Clarke, Clements, Collins, Cromwell, Cross, Crutchfield, Dennis, Dunn, Fletcher of Miss., Fletcher of Pulaski, Forrest, Garner, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, King, Lindsey, Marshall, Mitchell, Neill, Noland, Ramsay, Sadler, Tully, Whittington, Woods, Woodward and Mr. Speaker—40.

So the motion to refer was lost.

On motion of Mr. Alston, the House adjourned.

TUESDAY, December 22d, 1846.

The House met pursuant to adjournment.

The reading of the journal of yesterday was dispensed with.

Mr. Brown moved a call of the House: which was sustained.

Mr. Croft was called to the chair.

On motion of Mr. Sharp, leave of absence was granted to Mr. Thompson for six days.

Mr. Rust offered a resolution that in future the Speaker should not certify the account of any member who was absent without leave. Which was adopted.

Mr. Speaker resumed the chair.

Mr. Brown was called to the chair.

Mr. Fletcher, of Miss., by leave, introduced a joint resolution, "that all lands not claimed by pre-emption under laws passed at the present General Assembly, before the expiration of the time prescribed by such laws, or forfeited, shall be offered at public sale in Little Rock, by the land agent, he giving notice in some newspaper at least forty days previous to such sale, and execute to the highest bidder for any portion of such lands, a certificate of purchase for such sale, provided that no land shall be sold at a less price than one dollar and twenty-five cents per acre."

Mr. Rust offered the following amendment: which was adopted.

The said resolution as amended, was then read and adopted.

On motion of Mr. Rust, the messages of the Senate were taken up.

The message of the Senate, announcing that the Senate refused to concur in the amendment of the House to the bill of the Senate to pay the Secretaries of the Senate and the clerks of the House of Representatives, was taken up, and the amendment of the House receded from.

The following message was received from the Senate.

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House entitled

An act to establish the Northern boundary line of this State.

An act concerning forfeited lands.

An act to amend the act regulating the action of forcible entry and detainer, approved January 10th, 1845.

An act to define the line between the counties of Saline and Hot Spring.

An act to define the boundary lines between the counties of Perry and Pulaski, Perry and Saline, and Perry and Montgomery.

An act to incorporate the baptist church of Mount Zion.

A memorial to Congress praying for the establishment of a line of coaches from Little Rock *via* Searcy, in White county, to Batesville."

All of which are herewith returned.

Mr. Anthony, from the standing committee on enrollments, made the following report:

Mr. Speaker—I am instructed by his Excellency the Governor, to inform your honorable body, that he has approved

An act to establish justices' courts.

An act to incorporate the Arkansas Rail Road and Transportation Company."

An act to amend the law relating to criminal proceedings.

An act to legalize the division of the Estate of M. B. Webb among his heirs.

An act to refund to —— Halford, sheriff of Perry county.

An act to amend the 47th section of the 60th chapter of the Revised Statutes.

An act to provide for the sale of the 16th sections.

An act to amend the charter of the city of Little Rock.

An act to authorize certain heirs of William Barnett to convey lands.

An act to abolish the office of commissioner of public buildings.

An act to compel circuit judges to interchange circuits.

An act to allow certain citizens of Pulaski to erect a dam across bayou Fourche.

An act concerning the recording of deeds.

An act to amend the law concerning mechanic's liens.

An act to extend the jurisdiction of justices of the peace.

An act to change the time of holding county courts in Lawrence county.

An act to amend the 85th chapter of the Revised Statutes.

An act to extend the duties of constables.

An act to regulate the practice before the supreme court.

An act to refund to G. Cooper, sheriff of Desha county.

An act to locate the county seat of Jackson county.

An act to revive certain parts of the Revised Statutes.

An act to prevent the removal of property beyond the State.

An act to allow J. H. Rodgers, as administrator, to sell certain slaves.

An act to amend the 4th chapter of the Revised Statutes.

An act to allow T. P. Sadler to collect the arrearages of tax in Yell county.

An act allowing appeals from county to circuit courts.

An act to authorize William Franks to build a dam across L'Anguille river.

An act to regulate the price and sale of the 600,000 acres of land.

An act to allow J. V. Newman to keep a ferry across the Mississippi river.

An act for the relief of Christopher R. Luckie.

An act concerning the line between the counties of Pulaski and Saline.

An act to amend the 4th chapter of the Revised Statutes under the head of Administrator.

An act to amend the law relating to appeals from justices' courts.

An act to amend the law concerning the repeal of criminal statutes.

An act to attach a part of Chicot to Drew county.

An act supplemental to an act for the organization of the militia.

An act to authorize the administrator of Robert Gibson, dec'd, to liquidate certain claims.

Resolution asking compensation for certain volunteers.

Resolution asking certain lands.

The joint resolution instructing and authorizing the Governor to employ the convicts of the penitentiary upon works of internal improvement, &c., on motion of Mr. Gould, was taken up and read.

Mr. Gould offered the following as an amendment to said resolution:

Be it resolved, by the General Assembly of the State of Arkansas, That the sum of ten thousand dollars be, and the same is hereby appropriated out of the internal improvement fund, to meet the expenses of the convicts, if placed to labor on objects of internal improvement: And the sum of ten thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated, for the support and maintenance of the convicts, in the event the Governor deems it inexpedient to employ them upon works of internal improvement.

Mr. Collins moved to lay said resolution, with the amendment, upon the table.

Mr. Dunn moved a call of the House.

Mr. Forrest was absent.

On motion of Mr. Rust, all further proceedings under said call were dispensed with.

Mr. Speaker resumed the chair.

On motion of Mr. Fletcher of Miss., the call of the House was renewed.

Messrs. Bertrand, Forrest and King were absent, and the sergeant at arms ordered to notify those members to attend the sitting of the General Assembly immediately.

Mr. Noland was called to the chair.

On motion of Mr. Sharp, the call of the House was suspended.

The question was then to lay said resolution and amendment upon the table.

Mr. Marshall called for the yeas and nays: which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Brickey, Brown, Burke, Clements, Collins, Croft, Crutchfield, Fletcher of Mississippi, Fletcher of Pulaski, Garner, Hill, Hughes, Jett, Kendall, Lindsey, Matlock, Mitchell, Niell, Noland, Robinson, Stout, Tully, Turner, Whittington, Woods, Woodward, and Mr. Speaker—32.

Those voting in the negative, are

Messrs. Billingsly, Bruton, Buchanan, Childers, Clarke, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Gentry, Gould, Griffin, Grimes, Hammock, Halcomb, Jeffrey, Kelly, King, Kuykendall, Leslie, Marshall, Murphy, Ramsey, Sadler, Sharp, Turman, Wells, Wiley, and Wright—31.

So said resolution and amendment was laid upon the table.

On motion of Mr. Collins, the vote by which the House rejected the bill of the Senate to be entitled an act to rebuild the penitentiary of this State, was reconsidered. And said bill was again before the House.

The question was upon the final passage of said bill.

Mr. Collins offered the following amendment by way of rider, to come in after the conclusion of the 6th section, to wit: "and shall be considered the jail and penitentiary house of the State of Arkansas."

Which was rejected.

Mr. Noland called for the previous question.

Mr. Embree called for the yeas and nays upon said call: which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Anthony, Bennett, Billingsly, Brickey, Brown, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Cromwell, Cross, Crutchfield, Dennis, Dunn, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kelly, Kendall, King, Kuykendall, Lindsey, Marshall, Matlock, Mitchell, Neill, Noland, Sadler, Stout, Tully, Turman, Turner, Wells, Whittington, Woods, Woodward, and Mr. Speaker—55.

Those voting in the negative, are

Messrs. Embree, Leslie, Murphy, Ramsey, Robinson, Sharp, Wiley and Wright—8.

So the main question upon the passage of the bill was put.

Mr. Noland called for the yeas and nays: which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Annis, Anthony, Bennett, Brickey, Brown, Burke, Clements, Collins, Croft, Crutchfield, Fletcher of Miss., Fletcher of Pulaski, Garner, Gentry, Gould, Hill, Hughes, Jett, Kelly, Kendall, Lindsey, Matlock, Mitchell, Neill, Noland, Robinson, Stout, Tully, Turner, Whittington, Woods, Woodward and Mr. Speaker—34.

Those voting in the negative, are

Messrs. Alston, Billingsly, Bruton, Buchanan, Childers, Clarke, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Griffin, Grimes, Hammock, Halcomb, Jeffrey, King, Kuykendall, Leslie, Marshall, Murphy, Ramsey, Sadler, Sharp, Turman, Wells, Wiley and Wright—29.

So the bill was passed.

The bill of the Senate to be entitled an act providing for the provisions and other expenses of the militia of Benton county, was taken up, read a first time, and passed to a second reading.

Mr. Fletcher of Miss., from the committee on ways and means, to whom was referred the bill of the Senate to be entitled an act making appropriations for the years 1847 and 1848 and part of the year 1846, reported the same back to the House with sundry amendments.

Which said bill and amendments were adopted.

On motion of Mr. Fletcher of Miss., the House resolved itself into a committee of the whole for the purpose of considering said bill and amendments.

Mr. Noland was called to the chair.

Add after due deliberation upon the subject, the committee arose and reported progress.

Mr. Anthony, from the committee on enrollments, reported correctly enrolled,

An act to regulate the sale of seminary lands.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendments of the House, to the bill of the Senate to be entitled "an act to provide for the rebuilding of the Penitentiary of this State."

Also, that the Senate have adopted a resolution to donate to the State the *per diem* of the members of this General Assembly.

Which is herewith transmitted for the concurrence of your honorable body.

On motion of Mr. Clements, the House went into recess until 3 o'clock, P. M.

Three O'clock, P. M.

The House convened.

Mr. Annis introduced a bill to provide for paying the members and officers of this General Assembly.

Which was read a first time.

Mr. Embree moved to reject said bill, and called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Anthony, Bennett, Billingsly, Brickey, Brown, Bruton, Burke, Childers, Collins, Cromwell, Cross, Crutchfield, Dennis, Dunn, Embree, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Grimes, Hammock, Hill, Hughes, Kelly, Kendall, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Noland, Robinson, Sadler, Turman, Turner, Wiley, Woods, Whittington, Woodward, Wright and Mr. Speaker—44.

Those voting in the negative, are

Messrs. Annis, Buchanan, Clements, Croft, Griffin, Halcomb, Jett and Ramsey—8.

So the bill was rejected.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a resolution to adjourn *sine die* on Wednesday the 23d instant; in which your honorable body is asked to concur.

On motion of Mr. Noland, the House resolved itself into a committee of the whole, for the purpose of taking up and considering the 'appropriation bill' of the Senate.

Mr. Noland was called to the chair.

The committee having been some time in session, on motion of Mr. Rust, and arose reported said bill back to the House with sundry amendments.

Which amendments were adopted.

The bill having been further amended by the House by various items.

The question arose upon the final passage of the appropriation bill as amended.

Mr. Grimes called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Abraham, Alston, Annis, Billingsly, Brown, Bruton, Burke, Clarke, Croft, Crutchfield, Fletcher of Mississippi, Fletcher of Pulaski, Forrest, Garner, Gentry, Gould, Griffin, Halcomb, Hughes, Kelly, Kendall, Matlock, Neill, Robinson, Stout, Turman, Turner, Wells, Woods, Woodward and Mr. Speaker—31.

Those voting in the negative, are

Messrs. Anthony, Brickey, Buchanan, Childers, Collins, Cromwell, Cross, Dennis, Dunn, Embree, Grimes, Hammock, Hill, Jeffrey, Jett, King, Leslie, Marshall, Mitchell, Ramsey, Sadler, Sharp, Whittington and Wright—24.

So the bill passed.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill to be entitled "an act to authorize the Governor to appoint officers for the management of the Penitentiary."

Which is herewith transmitted for the assent of the House.

Mr. Anthony, from the standing committee on enrollments, made the following report:

Mr. Speaker—I am instructed by the committee on enrollments to report correctly enrolled the following bills to-wit:

An act concerning forfeited lands.

A memorial asking the establishment of a mail stage line from Little Rock to Jackson, Missouri.

An act to define the line between the counties of Saline and Hot-spring.

An act to establish the northern boundary line of this State.

An act to incorporate the Baptist Mount Zion Church.

An act to define the line between the counties of Perry and Pulaski, Perry and Saline, and Perry and Montgomery.

The bill of the Senate to authorize the Governor to appoint officers for the management of the Penitentiary, was taken up, read a first time, and on motion, the rules were dispensed with, and the bill read a 2d and 3d time and passed.

The joint resolution of the Senate to adjourn *sine die* on the 23d inst., was taken up, read and adopted.

The House, on motion of Mr. Sharp, went into recess until 7 o'clock, P. M.

Seven o'clock, P. M.

The House convened.

The propositions of the Senate to amend the Constitution of the State of Arkansas, were taken up and read a 2d time.

On motion of Mr. Grimes, the House adjourned.

WEDNESDAY, December 23d, 1846.

The House met pursuant to adjournment.

The reading of the journal of yesterday was dispensed with.

Mr. Croft was called to the chair.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a series of resolutions expressive of the sense of this General Assembly, on the subject of the war with Mexico.

The act of Congress, modifying the tariff of 1842.

The power of the General Government to carry on works of internal improvement within the States, and asking a modification of the law of 1818, about constructive mileage.

All of which are herewith transmitted for the concurrence of the House of Representatives.

The Senate have assented to the bill of the House entitled "an act to provide for the public printing."

A resolution authorizing the land agent, to re-sell land forfeited to the State.

An act to distribute the proceeds of the seventy-two sections of land among the several counties of this State for common school purposes, with an amendment, in which your honorable body is asked to concur.

Which are herewith returned.

By leave, Mr. Noland introduced the following resolution:

Resolved, That the thanks of this House be, and they are hereby tendered to the Hon. Albert Rust, for the ability, dignity, and impartiality with which he has presided over its deliberations.

Which resolution was unanimously adopted.

Mr. Anthony, from the committee on enrollments, reported correctly enrolled "an act to provide for public printing."

Also, a resolution concerning forfeited lands.

On motion of Mr. Sharp, the propositions of the Senate number 6, 7, and 11, proposing a reduction of the Representation of this State in its General Assembly, was taken up and read a third time.

Mr. Speaker resumed the chair.

The question was upon the adoption of the 6th and 7th propositions.

The yeas and nays being called for, the same were ordered and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Billingsly, Brickey, Brown, Bruton, Buchanan, Childers, Clarke, Croft, Cromwell, Cross, Dennis, Dunn, Embree, Forrest, Griffin, Grimes, Hammock, Jett, King, Leslie, Lindsey, Marshall, Matlock, Mitchell, Murphy, Neill, Noland, Ramsey, Robinson, Sadler, Sharp, Stout, Turman, Turner, Wiley, Woods and Wright—38.

Those voting in the negative, are

Messrs. Abraham, Annis, Bertrand, Burke, Clements, Collins, Crutchfield, Fletcher of Mississippi, Fletcher of Pulaski, Gould, Hill, Halcomb, Hughes, Kendall, Wells, Whittington, Woodward and Mr. Speaker—19.

So the 6th and 7th propositions were lost.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have passed a bill entitled an act to transfer all the assets of the State Bank and its Branches to the State of Arkansas.

Which is herewith transmitted for the assent of the House.

Also, a joint resolution allowing convicts of the Penitentiary (on good behaviour) two days in each and every month of their time.

Which is herewith transmitted for the concurrence of the House of Representatives.

Mr. Anthony, from the committee on enrollments, reported that his Excellency has approved of the following acts, to-wit:

An act to authorize the land agent to dispose of Seminary lands.

Also, an act to provide for the rebuilding of the Penitentiary.

By leave, Mr. Hughes introduced the following resolution:

That the thanks of this House be tendered to the clerk and the assistant clerk, for the very able and efficient manner in which they have discharged the arduous duties which have devolved upon them during the present session.

Which was unanimously adopted.

The joint resolution of the Senate giving Penitentiary convicts two days in each and every month during their confinement (on good behaviour), was taken up and read, and on motion of Mr. Woods, rejected.

By leave, Mr. Marshall introduced the following resolution:

That thanks be given Legrand W. King for the faithful manner in which he has discharged the duties of doorkeeper of the House at the present General Assembly.

Mr. Anthony, from the committee on enrollments, reported correctly enrolled the following:

An act to regulate the actions of forcible entry and detainer, approved January 10th, 1845.

The bill of the House to be entitled "an act to distribute the proceeds of the 72 sections of land among the several counties of this

State for common school purposes," was taken up and the amendment of the Senate to said bill, read and concurred in, and the Senate informed thereof.

By leave, Mr. Clarke introduced a joint resolution, instructing and authorizing the Secretary of State to publish in all the papers in this State, three several times, at least twelve months before the next general election in accordance with the direction of the Constitution, the several proposed amendments to the Constitution, passed during the present General Assembly.

On motion of Mr. Alston, the rules were dispensed with, and said resolution read and adopted.

Mr. Crutchfield was called to the chair.

The bill of the Senate entitled "an act to transfer all the assets of the State Bank and its Branches to the State of Arkansas," was taken up and read a first time.

Mr. Noland moved to lay said bill on the table.

Mr. Sharp called for the yeas and nays, which call was sustained and the roll called.

Those voting in the affirmative, are

Messrs. Alston, Annis, Anthony, Bertrand, Brickey, Brown, Burke, Clarke, Clements, Cromwell, Cross, Crutchfield, Dunn, Fletcher of Miss., Fletcher of Pulaski, Forrest, Garner, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Hughes, Jeffrey, Jett, Kendall, King, Lindsey, Murphy, Neill, Noland, Robinson, Sadler, Sharp, Stout, Tully, Whittington, Wiley, Woods and Woodward —41.

Those voting in the negative, are

Messrs. Abraham, Buchanan, Childers, Embree, Kuykendall, Leslie, Ramsey, Turman and Wells—9.

So the motion to lay on the table was sustained.

Mr. Anthony, from the standing committee on enrollments, made the following report:

Mr. Speaker—I am instructed to inform your Honorable body, that his Excellency the Governor has approved of the bill entitled "an act to authorize the land agent to dispose of the Seminary lands in this State."

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have not concurred in the amendment of the House, to the appropriation bill of the Senate, allowing the Auditor $2000 for the clerk hire, but have concurred in the balance of the amendments of the House to said bill, amended several of them in which the concurrence of the House is asked.

On motion of Mr. Fletcher of Miss., the above message and the accompanying appropriation bill were taken up and read.

Mr. Alston moved to recede from the amendment of the House, allowing the Auditor $2000 for clerk hire.

Which motion was sustained.

Mr. Bertrand moved to concur in the amendment of the Senate, allowing H. F. Shaw $102 for ferriage.

Mr. Gould called for the yeas and nays, which were ordered and the roll called.

Those voting in the affirmative are,

Messrs. Abraham, Anthony, Bennett, Bertrand, Brown, Crutchfield, Fletcher of Pulaski, Hughes, Jeffrey, Jett, King, Lindsey, Neill, Noland, Ramsey, Robinson, Stout, Turman, Wells, and Woods—20.

Those voting in the negative, are

Messrs. Alston, Billingsly, Brickey, Bruton, Buchanan, Burke, Childers, Clarke, Clements, Collins, Croft, Cross, Dunn, Embree, Fletcher of Mississippi, Forrest, Garner, Gould, Griffin, Grimes, Hammock, Hill, Halcomb, Kendall, Kuykendall, Leslie, Marshall, Murphy, Sadler, Sharp, Whittington, Wiley, Woodward, Wright and Mr. Speaker—35.

So the House refused to concur in said amendment.

The amendment of the Senate to pay Tucker & Hamilton in specie or its equivalent, was taken up.

Mr. Forrest offered an amendment.

Which was adopted.

So the amendment of the Senate as amended was concurred in by the House.

The amendment of the Senate to pay I. J. Howard $50, was taken up and considered.

Mr. Bertrand offered an amendment so as to pay H. F. Shaw $50.

Which amendment was adopted.

The question then arose upon concurring in the amendment as amended.

Which was decided in the affirmative.

The balance of the amendments of the Senate, were taken up and concurred in, and the bill returned to the Senate.

Mr. Speaker resumed the chair.

By leave, Mr. Crutchfield introduced a resolution to appoint a committee on the part of the House, to act in conjunction with such committee as might be appointed on the part of the Senate, whose duty it shall be to wait on his Excellency the Governor, and inform him that the General Assembly have agreed to adjourn *sine die* on the 23d inst., and to ascertain if he has any further communication to make.

Which resolution was adopted.

Messrs. Crutchfield, Fletcher of Miss. and Forrest, were appointed on said committee.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the amendments of the House, to the appropriation bill of the Senate, and receded from the amendments of the Senate to said bill.

Which were not concurred in by the House.

On motion of Mr. Sharp, the House went into recess until three o'clock, P. M.

Three o'clock, P. M.

The House convened.

Mr. Crutchfield, from the joint committee, made the following report:

Mr. Speaker—The joint committee of the two Houses appointed to wait on the Governor and inform him that the two Houses had agreed to adjourn on this day, and to enquire of him whether he had any further communication to make, have performed the duty required of them, and report that his Excellency the Governor, has requested them to say that he will have no further communication to make to this General Assembly, other than his approval or disapproval of bills already passed and not yet presented to him.

P. T. CRUTCHFIELD, *Chairman of the*
Committee on the part of the House.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have assented to the bill of the House, entitled "an act to amend the 29th section of the 4th article of the Constitution of the State of Arkansas."

Which is herewith returned.

On motion of Mr. Noland the House went into recess until 6 o'clock, P. M.

Six o'clock, P. M.

The House convened.

Mr. Fletcher of Miss. introduced the following joint resolution:

Resolved by the General Assembly of the State of Arkansas, That all treasury warrants issued in pursuance of appropriations made by this General Assembly, whether for special or general purposes, shall be receivable in payment of all taxes levied for State purposes and for all State dues.

The rules were dispensed with, on motion of Mr. Fletcher of Miss. and said resolution read and adopted.

Mr. Anthony, from the standing committee on enrollments, reported correctly enrolled, the joint resolution proposing an amendment to the 29th section of the 4th article of the Constitution of the State of Arkansas.

Mr. Anthony made the following report:

Mr. Speaker—I am instructed to inform your honorable body, by his Excellency the Governor, that he has approved of the bill entitled "an act to authorize the land agent to dispose of the Seminary lands."

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have concurred in the joint resolution of the House, making all scrip issued in pursuance of appropriations of this General Assembly receivable in payment of all taxes levied for State purposes, and for all State dues.

Which is herewith returned.

Mr. Anthony, from the committee on enrollments, reported correctly enrolled the joint resolution, making all scrip issued in pursuance of appropriations made by this General Assembly, receivable for State taxes, and for all State dues.

Mr. Jeffrey made the following report:

Mr. Speaker—I am instructed to inform your honorable body, that his Excellency the Governor has approved of the joint resolution making all scrip issued in pursuance of appropriations made by this General Assembly, receivable in payment of all taxes levied for State purposes, and for all State dues.

On motion of Mr. Crutchfield, the Senate were informed that the House of Representatives were now ready to adjourn *sine die* in accordance with the joint resolution fixing this the 23d of December as the day on which both Houses of the General Assembly should adjourn *sine die*.

The following message was received from the Senate:

Mr. Speaker—I am instructed to inform your honorable body, that the Senate have adopted the following resolution:

Resolved, That the secretary of the Senate inform the House of Representatives, that the Senate have now finished the business of the session and are ready to adjourn *sine die*.

On motion of Mr. Grimes, the House adjourned *sine die*.

A. RUST, *Speaker of the*
House of Representatives.
J. M. TEBBETTS, *Clerk of the*
House of Representatives.

GOVERNOR'S MESSAGE.

GENTLEMEN OF THE SENATE
AND HOUSE OF REPRESENTATIVES:

Convened under the forms of our Constitution, it affords me pleasure to meet you as the representatives of the people.

The privilege of thus assembling, peacefully to deliberate upon the best measures for the welfare of our constituents, is a blessing enjoyed only by a free people, and furnishes another evidence of the salutary operations of our republican institutions.

Coming directly from the midst of the people, in whose service you are now about to engage, you are, no doubt, familiar with their wants and wishes in all matters, both local and general. It will be my purpose to join you in the consummation of every measure calculated to ensure their happiness and prosperity.

In compliance with a provision of our constitution, it becomes my duty to present to you and to the country my views in relation to the affairs of the State, and to recommend to your consideration such measures as interest, policy, or necessity may require.

For a season of unexampled health and productiveness, we have every reason to be grateful to that Providence to whose beneficence we are indebted for every blessing.

The peace of our western frontier has been interrupted by unsettled differences in the Cherokee Nation, causing at one period considerable excitement and alarm among the citizens of our State, living near to the Indian line. During the last winter and spring, these difficulties prevailed to their greatest extent. That Nation having been divided into factions for many years, about that time some of the worst men of each of these parties committed repeated murders, throwing the whole of their population into lawless confusion. The weaker faction, being overpowered, sought protection under the sympathies of the citizens of this State, and were permitted to remove across the line. Among the refugees came those who returned secretly into the Nation, with the hope of taking vengeance with impunity; which led to incursions upon our border by the opposite party for purposes of retaliation. In this way murder was perpetrated on our soil, and our own citizens, to some extent, became embroiled in the strife—thus calling for the interposition of the authorities of the State.

Many communications having been received from citizens and committees appointed by public meetings, calling the attention of the

Executive to this subject, I was induced to open a correspondence with the United States officer, then in command of that military department, and charged with the peace of the frontier. It is believed that he used due diligence in suppressing the disturbances and guarding against its recurrence. The information derived from that officer, led to the belief that there was less cause for alarm than was at first apprehended. I took occasion, however, to inform General Arbuckle, that if I received evidence of further cause of complaint from inhabitants near the line, I should feel myself bound, in the course of duty, to order the removal of every Indian beyond the limits of the State; thereby placing them under his immediate protection. The Secretary of War was also apprised of the course I intended to pursue. I thought it due to the General government, previous to such a move on my part, to notify all parties of my determination, as negotiations were then pending at Washington, between commissioners appointed by the President and the several parties to the Cherokee difficulties.

In the meantime I gave instructions to militia officers on the line, to hold their commands in readiness to execute the proposed order; and, upon certain emergencies, to act upon their own responsibility. Although the contingency alluded to never occurred, yet, in one instance, the officer taking the "word of caution for that of command," made a requisition upon the militia, and called into the actual service of the State, a company of men from Benton county. Upon receiving a report of the facts, I ordered them to be disbanded. The returns made to me by that officer, with the correspondence referred to, furnish all the information upon the subject in my possession.

As required by the Constitution, the proper officers have proceeded to take the census of the State for the present year, preparatory to the performance of a duty on your part, in proportioning the representation for the next four years, in both branches of the General Assembly.

It will be seen that the population, amounting to about one hundred and forty-five thousand souls, presents an increase in the last six years, of at least 50 per cent. At the formation of the Constitution, each county being represented in the convention, claimed a representation thereafter, in the Legislature. And as this concession was then justly made to the small counties, the ratio of representation, fixed upon the basis of the free white male population of each county, was at that time necessarily small. The present number of Senators and Representatives is at the highest point attainable under the Constitution, until the population shall have increased to an amount, we have no reason to anticipate for many years to come. The General Assembly, unrestricted by the Constitution, acting with the view to a thorough retrenchment, may reduce the numerical strength of each House, and I respectfully recommend such reduction, if, in their judgment, the policy be wise, and public economy may demand the change.

By referring to the report of the Inspectors of the Penitentiary, it will be seen that the building was consumed by fire on the fifth day of August last. Most of the public property, consisting of unfinished work, materials, and provisions, was also destroyed. Should the Legislature deem it expedient to rebuild, or to repair the injured walls, provision must be made for that purpose. I beg leave to urge your speedy action upon this subject, as the situation of the convicts is peculiar. A portion of them, the most reliable, amounting to some ten or twelve, have not been kept in confinement since the event took place. The others are closely imprisoned in the jail of this county. The appropriation made for the Penitentiary at your last session, was mostly absorbed in the payment of arrearages; and, in the absence of all ordinary means, those of an extraordinary character were resorted to for the support of the institution. It is now largely in debt, and its peculiar situation requires your immediate attention. On the presentation of respectable petitions in favor of a few convicts, whose conduct on the occasion of the revolt and burning, was highly praiseworthy, I felt it my duty, as well as privilege, to grant them a full pardon. In the absence of such petitions, either from the people or their representatives, the pardoning power in my hands will only be exercised in cases of the most exemplary conduct, or of undoubted innocence.

In the report of the Attorney General you will find suggestions in relation to the crime of burning public prisons, and the necessity of a change of the penal code upon that subject, which are well worthy of your consideration. The views of that officer upon other subjects, I also recommend to your consideration.

The system adopted at your last session for the management and sales of the State lands, is admirably adapted to the purposes it was intended to accomplish. The report of the agent will meet the approbation of all. The duties, however, of that officer, have not been fairly estimated in fixing the measure of compensation. There is no office under the State government requiring a higher degree of capacity, or more steady application, in order to discharge faithfully and efficiently the laborious duties, and the compensation falls below the pay of an ordinary clerk.

The report of the second commissioner appointed to run and mark out the constitutional line between the States of Missouri and Arkansas, is submitted. The survey was concluded in the summer of 1845, but the map of the line, if completed, has not been received at this office. The surveyor resides in Missouri, and I have received no intelligence from him on the subject, since the commissioners closed their labors. The publication of the map can, however, afford but little interest, more than what may be naturally felt in the final establishment of our northern boundary; the line having varied but slightly, on any part of the route, from the one run and marked by Brown, more than twenty years ago.

An act of the Legislature, of 1842, provides for the appointment of a State geologist, who was required to examine and survey those districts supposed to abound in minerals; and, as the agent of the State, to select 5000 acres of those lands for her future use. The General Assembly having failed at each session to elect a geologist, they seem to have relinquished, at least for the time, the object contemplated by the reservation. It was not such a vacancy as the Executive was authorized to fill. And even if he had considered himself clothed with that power, there was no appropriation to enable the officer appointed, to accomplish, effectually, the purposes of the law. For these causes the 5000 acres, thus reserved, have not been located. I respectfully suggest to you, either to make the necessary appropriation, and elect a geologist, or to repeal the law, and permit the lands to be taken up for agricultural purposes. In connection with this subject, I may say that the the thaks of Arkansas are due to the State of New York, for the handsome present of a map and several large volumes exhibiting the geological character of that State, which may, in time, be of much value in developing the mineral resources in which our State is supposed to be so rich.

Having in my last message submitted my views, at length, upon the subject of the seminary fund, and a system of internal improvement, and having no reason, upon subsequent reflection, to change the opinions then expressed, they are again referred to your attention.

The common school system, heretofore attempted, has not been carried into successful operation; nor can it be in the absence of means, none having been provided, except for the purchase of books, which has been made, and a portion of them distributed to the counties. The sixteenth section in every township of land in the State, amounting in the aggregate to 923,520 acres, valued at the minimum price of $1 25 per acre, presents the handsome sum of $1,153,000.—This forms the principal amount held by the State for the support of common schools. The disposal of alternate quarter sections of these lands, would both afford immediate means, and enhance the value of the residue unsold. Or the sale of leases for 99 years on the whole for a portion of the money in hand, and the balance at interest, may be deemed preferable.

I submit, for your consideration and legislative action, a letter addressed to me by the President of Oakland College, an institution of learning in the State of Mississippi. The object being laudable, I take pleasure in commending it to your most favorable notice.

Your attention is also most earnestly called to the accompanying correspondence between the Secretary of State of the United States and this department, upon the subject of the 5 per cent. fund due to this State under the compact, and remaining unpaid. Also, to that between the Executive and the Hon. David Hume, a member of the British Parliament, and a holder of a portion of the bonds of this State, relating to the interest thereon.

The sum of $180, appropriated for the purchase of tombstones to mark the graves of deceased members of the Legislature, has been applied by the Executive to that purpose, except as to the graves of

Messrs. Anthony and Blair, the undertaker not being able to designate the precise spot where their remains were deposited.

The 8th day of June, 1845, recorded the death of Andrew Jackson, ex-President of the United States. Illustrious in life, and beloved by the people, his death produced a sensation of overwhelming grief throughout the country. Among the first testimonials of his appreciation, reaching this department, were the joint resolutions of the Congress of the Republic of Texas—breathing a language and sentiment of veneration for the memory of the noble man whose loss they deplore.

After twenty years of repeated acts of bad faith, on the part of the Republic of Mexico, towards our Government, hostilities have commenced upon the soil of the United States, and before a declaration of war had been made in either nation. Congress, on the 13th of May, passed an act authorizing the President to accept the services of 50,000 volunteers for the purpose of invading that republic. Among the States called upon, Arkansas was required to furnish one regiment of cavalry for that service, and one battalion for the protection of the frontier of our State—the regular military force having been withdrawn from that quarter. Without any means in the Treasury, or credit on the part of the State, to provide for the maintenance of troops, our citizens responded to the call with an alacrity highly creditable to their patriotism and valor; and, such was their ardor for the service, that more than the quota of the requisition were speedily enrolled and ready for the expedition. They never paused to inquire as to their indemnity for the loss of time, the expenditure of money, or the probable chance of failure to be received into the service. One company marched 250 miles to the place of rendezvous, and returned home, dependent upon their own means, and the hospitality of the people for their subsistence. Instances like these, occurring as they have, in most of the States as well as ours, must be gratifying to the patriot, and give a flattering earnest of the answer the country might expect when she calls upon her citizen-soldiery. They afford also the best evidence of our moral and physical power as a nation, and the individual courage and devotion to country, for which our population has ever been distinguished. It is a spectacle upon which the enslaved millions of the old world must look with wonder, and cannot fail to awaken their attention to the progress of that great experiment of a "government by the people," which our example furnishes to mankind.

The faithful administration of a good government, shedding its benign influence alike over all, is the highest and most appreciable blessing of which we can have any conception. Under a republican form, it requires voluntary action on the part of the people in contributing their due proportion towards its support. Every man who enjoys the blessings of civil government, should contribute a fair proportion of the cost of its maintenance, corresponding in some degree with the protection he receives.

The certainty and stability of his income, depends upon that kind of protection which the proper execution of the laws of his country afford him, in the peaceful continuance of his vocation.

A want of means is a lack of power, and a liberal support of government is of less cost than that of a state of anarchy. The energies of the State governmernt have already become palsied. With an empty treasury for years, with a ruined State credit, and an apathy on the part of all to move in even the attempt to retrieve our credit, it has become my duty to present fully, not only the present ruinous state of our finances, but to assume the responsibility of pointing to the only possible remedy.

The financial history of the State exhibits a series of blunders.—The first legislature under the constitution provided for the levy of one-fourth of one per cent upon the sworn assessed valuation of such kinds of property as that body saw proper to subject to taxation, which, when the assessment was made, discovered to the Executive the prospect of a large surplus; and induced that officer to issue his proclamation for a called session with a view to its reduction, which convened on the following fall.

At the called session, the committee upon "Banks" appear to have conferred with that upon revenue, and immediately an idea was entertained, (and it must have prevailed pretty generally,) that the establishment of a State Bank, the property of the State, afforded the means, and when once put into successful operation, would serve the purpose of freeing the people from taxation altogether!—The levy was consequently fixed at one-eighth of one per cent, and until the bank should have declared a sufficient dividend for that purpose, the Legislature authorized drafts to be drawn upon the surplus revenue of the general government, then deposited with the State; and which, in the body of the charter of the State Bank, was placed as so much capital, and upon the faith of which, as a basis, the directors were authorized to issue the usual amount of circulation.

It appears to have been at least doubted at the time, whether one-eighth of one per cent would be sufficient to meet the current expenses of the State government, as this provision for drawing upon the surplus revenue affords abundant evidence. The Legislature, by the unfortunate connection of the Bank with the revenue of the State, set out in the establishment of a system which contained the seeds of its own destruction.

The rapid withdrawal of this surplus revenue, in large amounts, of from $40,000 to $60,000 annually to supply a deficiency so great without any regard to its reimbursement, soon deprived the bank of the use of that deposite upon which she must, judging from the usual and settled policy of banking, have based at least one million of her circulation; thus tending to some extent to destroy, and, with other very palpable causes combined, produced the destruction of that institution, and in no small degree brought dishonor upon the credit of the State.

The almost entire absorption of that fund, at or about the close of the last session of the General Assembly left the State no other means to meet the heavy appropriations then made for the current expenses of the government for 1845—6, (and the payments out of which amount to the sum of $107,221,) than the limited means afforded by a levy of one-eighth of one per cent on $20,600,000 worth of taxable property, which produced a sum less than one-half the required amount. The attempt at the late session to improve the finances of the State, by the issue of treasury notes, calling them par funds, and requiring the payment of all public dues to be made in gold and silver or par funds, in place of worthless bank paper, without providing the necessary means to meet such requirement, was as futile as it was ill-advised.

It was upon that occasion, and it was the only one, that I felt it my imperious duty to withhold my assent, to a law enacted by that enlightened body. The evil was then in view; and I took occasion to point it out in a special communicate, in advance of the passage of the appropriation law, to which I allude.

The report of a special committee upon the subject of providing for the deficiency I had foreseen, pointed to imaginary means—"The increase of population and wealth." The published tabular statements of the auditor of public accounts will prove the fallacy of relying with the least degree of certainty, upon such a source. For in 1840, the population of this State amounted to 97,109 souls, and gave a revenue of $27,514·30. And for 1846, the population amounts to nearly 145,000 souls—yielding a revenue of not more than $25,000, each being under the same law without any variation either in the amount of assessment or the character of taxables; this result, however, proceeds mainly from causes of discrimination, by which buildings and other improvements have not been subjected to taxation.

And until this is done, we are not likely to avail ourselves of the progressive advantages of an influx of population, except from the southern States;—there being already in the hands of individuals, land sufficient for the profitable use and cultivation of thrice the amount of *our present* population.

The receipts into the treasury from all sources for the two fiscal years preceding the 1st of October, 1846, are as follows, to-wit:—Amount paid in for the redemption of forfeited lands, $2,115 02, by sheriffs and collectors for same period, $47,393 88, and by non-residents under the act of the 8th of January, 1845, $2,409 52, making the sum total of $51,918 42, of which only $7,381 99 was paid in specie, $20,392 19 was paid in treasury warrants, and $24,143 24 in Arkansas bank paper. The latter sum, it will be seen, was paid in under the law operating prior to the 10th of January, 1845, and the discrepancy in the amount received for taxes in treasury warrants, and the amount stated as having been redeemed, proceeds from the fact, that treasury warrants were redeemed with the amount of specie paid in by collections, $7,381 99, and the further amount of $3,780 19 turned over to the land agent in the way of reimbursing the treasury for money obtained therefrom, and expended previously in the location of the 500,000 acre donation, which was provided for by the act of the 10th January, 1845.

By reference to the report of the Treasurer, it will be seen that the apprehended evasions, on the part of tax payers and their agents, and particularly the collectors of the revenue, have been fully verified. And that less than one-fourth of the revenue under the appropriation law of the 10th January, 1845, has been paid in specie or its equivalent. And in the absence of proper guards, the plain letter of the law has been evaded, by making these warrants receivable for taxes. The sheriffs were compelled to receive them regardless of No. and date, consequently we find a portion of the issues of every quarter up to the last redeemed, while there remains an unredeemed portion of the issues for each quarter, from first to last; thereby destroying the distinctive, and equitable value of warrants between those falling due in a month and those which might not, under the sense of the law, be paid in two years, and thus depreciating the value of such as would command something near par value by destroying the demand for them, except by agents of large tax payers, and placing non-resident land holders who pay through agents, the only purchasers of this scrip, upon a better footing than our own citizens, who, in paying to sheriffs their small amounts, are necessarily compelled to pay in specie.

The free issue of this description of paper beyond a certain limit, is believed to be most ruinous to the interests of the State and people. There should be no necessity sufficient to induce the issue of one single dollar more than could fairly be anticipated by the receipts of the year into the treasury of actual cash for their redemption. They ought to be based upon the principle of "demand and supply;" but to extend their issue beyond, is but to insure depreciation. Their use as a medium should be deprecated for *exclusive influences* alone, which such a medium must ever exercise in a state of depreciation; as it will remain in that state a subject of speculation.

The producing classes, the tax payers, ultimately may have to make up the depreciation to a very considerable extent. It is true that they, with the State officers, are alike injured; all to some extent are affected. If $1,500 is a fair salary for a Judge of the Supreme Court, and he receives that amount of scrip worth $750, he feels himself at least disappointed when he recurs to that portion of the Constitution of the State that provides that such salaries shall neither be raised nor diminished during his contiuance in office.—In the present state of our finances, his salray is subject to variation every week, dependent upon jobbers in this species of paper, that rarely ranges in the market above one-half its face. If the State is incapable, either from the proper disposition on the part of the people through their representatives, or the want of ability to pay in good faith the current expenses of the State government as now graded to what it is believed comparatively low, it would doubtless be far more desirable to those in the service of the State, to graduate the salary of every State officer and agent, down to a maximum corresponding with the ability to pay in good faith what may be promised, and in which event none could be disappointed; and men of superabundance of wealth who had the leisure and public spirit, would alone be applicants for such offices.

Without laying claim to financial talents of a high order, I am constrained to present to your respectful consideration, a scheme of finance, simple, but well suited, I think, both to the immediate necessities of the State and the abilities of the people. I take $20,000,000 worth of property, made taxable by our present revenue laws, as a maximum for the last eight years, which I find is near the truth by an inspection of the tables for that number of years. One-eighth of one per cent. upon this valuation has produced, in the two fiscal years now closing, the sum of $51,918 42, corresponding to which for the same period, the expenditures, although much under those of any other two of the last eight years in the series, amount to about $107,221 77, exhibiting a deficit of $55,303 35 for 1845-46.—There are individual judgments now existing against the State Bank, for something like $30,000, which must be provided for, and paid out of the treasury—and the further sum of at least $40,000 will be required for rebuilding the Penitentiary. If paid in four years, $35,000, or one-half of the aggregate of these two sums will fall due within 1847-8, which with the outstanding treasury notes amounting to $37,779 09, added to only $100,000 ordinary expenses for the two next years, current, will make the enormous sum of $172,779 09. To meet this, it will be necessary to make a levy upon a wider range of articles of property, embracing buildings and other improvements, ornamental as well as useful, in all our towns and cities, as well as in the country—improvements on confirmed land, and embracing likewise incomes and salaries, which it may be found necessary to subject to a fair proportion of taxation. By these means an additional valuation, it is believed, of $10,000,000, will be added to the present amount of $20,000,000, making $30,000,000, which at a rate of one-fourth of one per cent., will produce the sum of $75,000, annually, or $150,000 in two yeats, a sum much greatar than that of 1845-6, and nearly equal to the actual expenditures of the yeas 1843-4, and which, with a judicious curtailment of expenses of bank officers, and special judges whose services may be dispensed with in two years to come, will produce a surplus sufficient to pay off and redeem the outstanding treasury warrants.

Should the present legislature take the responsibility upon themselves thus to place the finances of the State upon a sound and firm basis, it might be well in order to give immediate credit to the treasury, to authorize the Treasurer to effect quarterly loans of the State land agent of all sums, collected on account of the 500,000 acre donation, to be reimbursed as the means of the treasury may justify within the next five years; giving the land agent evidences of debt in the form of scrip, bearing six per cent. interest. By the provisions of the appropriation act of the 10th of January, 1845, the whole of the specie, constituting the principal amount of the balance of the surplus revenue in the State Bank, amounting to the sum of $32,732 91 was paid out to members of the legislature first, and to the State officers and other creditors afterwards, which sum, together with $69,333 46, the amount of treasury warrants issued up to the 30th of September, 1846, and $6,155 40 of the surplus revenue in bank paper, under act of the 10th January, 1845, to complete the boundary line, and provide for the insufficiency of the appropriation made on account of the Penitentiary, embraces the whole amount of expenditures for the two fiscal years then ending, except small balances due public officers who resided at a distance and had not drawn for the amount of their quarter's salary.

The amount of warrants redeemed up to 30th Sept., 1846, as reported by the Trasurer, is $31,554 37, and assuming that the whole of the revenue for the present year, payable into the Treasury on the 10th, proximo, will be paid in scrip, or cash for the redemption of scrip under the law, and which will not vary far from the estimated amount, $25,000, there will remain of Treasury warrants in circulation, on the 30th Dec., the sum of $12,779 09, which will in the next few days under ordinary issues for current expenses, be again augmented to the former amount.

But should the Legislature continue to pursue the ruinous policy of paying off that body, with its necessary expenses, ranging from $20 to $30,000, in these depreciated "promises to pay," without providing proper and present available means to sustain and give additional credit to this almost worthless paper, its further depreciation will be such as to sink the credit of the State beneath any stretch of calculation. For this purpose nothing is plainer than the absolute necessity of augmenting the levy and extending the range of taxable articles. Should the Representatives of the people be unwilling to assume this responsibility, they will doubtless feel the necessity of making the first move towards the abrogation of the State government, a government which ten years of experience will have proven, is now, and would have been at the outset, impracticable, but for the fortuitous circumstances of the distribution by the General government, of the surplus revenue among the several States!

The picture here drawn in reference to the immediate finances of the State, although dark, is nevertheless true, and calls for a manly exercise of a high toned responsibility on the part of each and every member of this General Assembly.

The subject of the embarrassment of the State in its ordinay and current expenses, involving only thousands, although a matter very justly of deep concernment to every patriot, sinks to insignificance, when compared to a responsibility involving that of millions. And without any disposition to disclaim participation in the early inception of this heavy responsibility upon the State and people, and, while I acknowledge my inability to grapple with a subject of so much importance, I will not shrink from that responsibility which the nature of my position calls upon *me to assume*.

The history of our Legislature, immediately following our admission into the Union, informs us of the establishment of two Banks, whose operations were based upon the faith and credit of a State then just sprung into existence.

There were issued and sold on account of the Real Estate Bank, 1530 Bonds of the State, of $1000 each, besides 500 others, hypothecated, and $121,336 59, received thereon. On the 7th Sept., 1840, interest was regularly paid on the first mentioned Bonds, up to 1st July, 1841, since which time, to 30th September, 1846, interest has accumulated to the enormous sum of $472,815, and as nothing has been paid on 121 1-3 Bonds, on which payment was received of those hypothecated, the interest justly due thereon from the date of the hypothecation to the same period, is $44,136 15 1-2, making total amount of interest due on State Bonds, sold on account of the Real Estate Bank, and unpaid up to the 30th Sept., 1846, the sum of $516,951, which, after deducting 29 Bonds redeemed, leaves outstanding 1622 1-3 Bonds, or $1,622,336 59, principal, or total of principal and interest on account of the Real Estate Bank, the sum of $2,139,287 59, with a running interest at 6 per cent., on the sum of $1,622,336 59, equal to $97,340 19 1-2 per annum; to meet which, we find that this Bank went into a state of liquidation in April 1842, with assets of various kinds estimated at $2,405,966 15 with accruing interest on bills and notes—and stock notes amounting to $1,923,241 39, from which if we deduct the expenses of winding up the Bank, together with the sum total of circulation then outstanding, and add the interest account, due on so much of the last mentioned sum as may have accrued up to the 30th Sept. 1846, the balance will show, for what amount the State will ultimately stand responsible, and for which the lands of stockholders will be liable at the close of the charter. This calculation should be made, however, after making due allowance for all bad and uncertain debts, which are believed to be considerable.

The total number of acres mortgaged by subscribers for stock is 187,810 89-100; the appraised valuation amounted to $3,380,772 38, which was believed high at the time. The estimated depreciation is $1,368,212, leaving a responsibility resting on lands under mortgage of something over two millions.

The bank having possession of stock mortgages in her fiduciary capacity, holding them as an agent under a clause in the charter, for all the parties concerned, had no right, in making a voluntary surrender to trustees, of her assets for liquidation, to appoint such agents to take the management and control of those mortgages, which in the hands of the trustees have been placed in a state of foreclosure, and in some instances mortgaged property sold at a sacrifice, for the payment of money borrowed of the bank, upon the credit of stock held in that institution. It will be seen by an inspection of the charter, that such mortgages were given to the bank, and by the 14th section of the charter, were transferred, not by any act of the Bank, but by operation of law, going into effect the moment of their execution to the State and bond holders, without providing for the contingency such as happened by the surrender of the assets to trustees. It remains a matter of doubt, now that the Bank has ceased to exist with her original powers and privileges under the charter, which party, in law, shall have the custody, control, and final foreclosure of these mortgages. It is believed that the parties most interested, the State and bond holders, are bound to look to the Legislature, the source from whence the Bank derived her agency, as possessing the power to confer the same agency upon the trustees under suitable restrictions, and guarding the rights of bond-holders and the State. The main condition should be that the sales of such mortgaged property, should be equivalent to the amount of stock, or the balance of stock after the payment of the whole of the stock money and interest. This power being conferred upon the trustees, would enable them to coerce the payment of stock notes by foreclosure, carrying with them all a clear and legal title, which if not redeemed by the stockholders, would ensure from other persons a fair price, and thereby save the State from any considerable loss.

Of the bonds sold on account of the State Bank, amounting to 1176, there have been 7 returned and 22 redeemed by the bank, leaving outstanding 1147,—150 of which are bearing interest at the the rate of 5 per cent, and the unpaid coupons due thereon up to the 30th Sept. 1846, make the sum of $36,775. The remaining 997 bonds are at 6 per cent, and interest on these up to the same date is $294,165—or total interest $330,940—or principal and interest on bonds sold on account of State Bank, is $1,477,940.

The annual accruing interest on the principal of $1,147,000, is $67,320. Thus, it will be seen at a glance, that, apart from the liabilities of the State on account of current, ordinary, and incidental expenditures of government, the State stands responsible, and has assumed in the most solemn manner, (by pledging her faith and credit for the payment of bonds, on account of two banks,) the enormous sum of $2,769,336 59, with the accumulated amount of interest thereon, of $847,891, making the grand total of $3,617,227 69—with an annual accruing interest of $164,660 19.

To meet the bonds and interest on account of the State Bank, that institution reports bills and notes and supposed interest thereon, to the amount of $1,269,608 86 Real Estate Bank paper; and other means, $205,695 36, and Real Estate Banking Houses $98,064 86, making the sum of $1,573,369 08, from which may be deducted the sum of $490,342 50; of this $317,402 21, is on account of uncertain bills and notes, $5,695 36, is on account of uncertain money, and $49,032 43, on account of depreciation being one-half of the original cost of Real Estate and Banking Houses, and $ 118,212 50, being the amount of circulation unredeemed, leaving the probable productive sum of $ 1,083,026 58. Thus, under the supposition that the judgments against the bank, and the salaries of bank officers will continue unpaid by the Treasury, there is still a palpable deficiency to be met by the State of $ 394,913 42 on account of the State Bank. This is believed to be a sum larger in amount than we have reason to fear from loss on the part of the Real Estate Bank. This opinion is strengthened by two very important considerations; first, the causes already assigned in withdrawing for purposes of the State, the surplus revenue, which represented as a basis a corresponding amount of circulation of the State Bank, and the more reliable guarantee for the full payment of all liabilities to the Real Estate Bank, based upon the security afforded by mortgages on lands of increasing value.

There has been collected by the receivers of the principal bank and branches of the State bank from the 6th of April, 1845, to 30th Sept., 1846, the sum of $ 80,567 29, or about one year's interest on the principal during a period of 18 months. The expenses of winding up the institution may be about 8,000 per annum, to say nothing of costs of suits, which are supposed to be considerable.

The growing uncertainty of collections, taken in connection with slight manifestations in some portions of the State to repudiate the payment of these debts, and, as is believed, a growing prejudice against the system of liquidating the claims of this bank, induce me to recommend, that the General Assembly devise some other plan more congenial with the wishes of the debtor, and the immediate interest of the State, either by calling in the branches, or by disposing of the assets to the highest bidder for part in prompt payment, and the balance on one, two, and three years. The State will in this latter course suffer an immediate nominal loss, but in the end, save much by the operation. This is an institution in which the people of the State are alone interested: through their representatives they made themselves responsible for its creation, its operations, and for its final settlement, and it is now time, not only to give an expression of opinion upon the subject, but the time for action has arrived.

There is already a heavy deficiency shown to exist, and it behooves this General Assembly to close the concern in the most speedy way possible consistent with the general safety, and to point to the means of discharging the deficit, which the State must feel itself not only responsible for, but fully competent to discharge.

And in looking to means to meet this heavy and pressing responsibility, after having pointed to the proper means of defraying the current expenses, I would further most earnestly recommend, that, lest we be tempted to use for this purpose the internal improvement fund, as we did the surplus revenue, that the proceeds arising from the sale of the 500,000 acre donation after 1st Oct., 1848, be applied in the most profitable way towards the payment of the bonds sold on account of the State bank, and the interest thereon, to an extent corresponding with the amount of the deficiency exhibited upon final settlement of that institution.

A continuation of the present tardy policy in winding up this institution, may justly subject us to a charge, which may prove too true, on the part of those who already threaten to repudiate the payment of their liabilities to the bank, when the State having for the present little other means than such as I have pointed out, might, under the influence of a high state of excitement and an erroneous conception of distinctive rights, lay the foundation of a lasting stigma upon the name of our State and people. In conclusion, I renew to you the assurance of my sincere co-operation in all measures for the public good.

T. S. DREW.

Executive Office,
Little Rock, November 3, 1846.

AUDITOR'S REPORT

AUDITOR'S OFFICE,
Little Rock, 1*st October*, 1846.

To His Excellency Thomas S. Drew,
Governor of the State of Arkansas.

SIR:—In compliance with section eight, of chapter eighteen, "Revised Statutes of Arkansas," the Auditor has the honor to make to you this report of the condition of the revenue and receipts and expenditures of the State treasury, during the two years ending with the 30th day of September, 1846.

Statement marked A, shows that the Auditor has drawn Warrants under the heads of appropriations therein designated, amounting in the aggregate to $ 135,584 50, and that the balances of appropriations unexpended, amount in the aggregate to $ 96,298 52.

Tabular statement, marked B, shows the receipts into the State treasury from all sources, and the kind of funds received, during the two years ending with the 30th day of September, 1846; the amount of treasury warrants reported by the State treasurer as issued; the expenditures of the State through the State treasury, during the same period; and the balance remaining in the treasury on the 1st day of October, 1846.

Statemement C contains an analysis of table B, forming three parts. Part No. 1, shows the whole amount of specie paid into the treasury from all sources, to be $ 46,725 86, and that the whole amount reported to the Auditor as expended, is $ 46,087 75, leaving in the treasury, on the 1st day of October, 1846, $ 638 11, of which sum $ 44 99 is due to counties and the common school commissioners of Phillips county, and the balance of $ 593 12, specie, remains applicable to the redemption of treasury warrants. Part No. 2, shows that the sum of $ 34,434 22 in Arkansas bank paper has been paid into the treasury, and that $ 31,984 98 in Arkansas bank paper has been expended, leaving in the treasury on the 1st day of October, 1846, $ 2,449 29 in Arkansas bank paper. Part No. 3, shows the whole amount of treasury warrants reported to the auditor as issued by the State treasurer, to be $ 69,333 46, and the whole amount of treasury warrants redeemed as reported to auditor to be $ 31,552 20, leaving unredeemed on the 1st day of October, 1846, $ 37,781 26, of which unredeemed amount, the sum of $ 5,632 90 remains in the State treasury, according to receipts and reports of the treasurer, belonging to counties, on account of county taxes paid into the State treasury in treasury warrants, on land and town lots, by non-residents, and for the redemption and purchase of lands forfeited for taxes.

Statement marked D, shows the amount of funds remaining to the credit of the State, in the bank of the State of Arkansas, at Little Rock, on the 1st day of October, 1846, amounting in the aggregate to $ 88,893 17; of this amount, the balance of the surplus revenue fund unexpended, $ 13,830 95, and $ 4,495 00 balance due from the bank to reimburse the treasury under section 1, of the appropriation act of 10th Jan., 1845, making together $ 18,325 95, are subject to be used for ordinary expenditures of the State, in addition to the balance of specie and Arkansas bank paper in the treasury, and in addition to the sum of $ 11,372 36 remaining due the State from the Internal improvement fund, to reimburse the treasury, under section 1 of the appropriation act 10th January, 1845.

The other funds forming part of the $ 88,983 17, are the balance of the five per cent. fund $68,227 44, and the Saline fund $151 37, (both belonging to the internal improvement fund,) and the seminary fund, $ 2,188 41.

Table marked E, in the auditor's report of 1st October, 1842, shows the amount of notes then belonging to the Seminary fund to be $29,269 53. Since the auditor's last report, dated 1st October, 1844, there have been filed with the State treasurer other notes given by individuals for the purchase of seminary lands, amounting to $ 10,078 70.

All these notes bear interest at the rate of ten per cent. per annum from the dates thereof until paid, and amount in the aggregate to $ 39,384 23, exclusive of interest. The notes added to the amount, to the credit of the State, in bank, form an aggregate of $ 41,536 64 belonging to the Seminary fund. Many of the notes are now due, but past experience with regard to collection of debts due the State, by suit, seems to render it necessary for the interest of the State, and to prevent the loss of the funds by neglected delay, or otherwise, that some skilful attorney should be designated by law, and under ample bond to the State, empowered to collect not only the seminary notes, but also notes belonging to the internal improvement fund, which amount to something near $ 130,000 00, after deducting such notes as were given for lands which have not been confirmed to the State.

The attorney so appointed might also be required to aid the attorneys of the several circuits in the collection of all other debts due the State treasury, for the recovery of which, suits have in some cases been pending in the courts during a term of many years.

The attorney so appointed might be allowed certain commissions on the amounts, and payable out of the money belonging to the particular fund collected.

[A.]

EXPENDITURES.

A TABULAR STATEMENT, exhibiting the amounts of appropriations made at the session of the General Assembly, held in November and December, 1844, and January 1845, with the balances of former appropriations, reported as unexpended 30th September, 1844, and the amounts transferred or added thereto, under acts as hereinafter stated; and also the amounts of warrants drawn under their appropriate heads, during the two years, ending with the 30th day of September, 1846, and the balance of each appropriation, unexpended at the expiration of that day.

	FOR WHAT PURPOSES APPROPRIATED,	AMOUNTS OF APPROPRIATIONS.	AMOUNTS OF WARRANTS DRAWN.	BALANCES UNEXPENDED.	
1.	To pay members and officers of the General Assembly, by act of 10th January, 1845, *in addition to balance unexpended 30th September, 1844,*	$30,000 00	$25,986 25	$4,013.75	1
2.	To pay for printing and distributing the Acts and Journals, by act of 10th January, 1845, in addition to balance unexpended 30th September, 1844,	5,500 00	5,500 00		2
3.	To pay all contingent expenses of the Senate and House of Representatives including engrossing and enrolling bills and printing, by act of 10th January, 1845, and balance unexpended,	4,000 00	2,102 50	1,897 50	3
4.	To pay for fuel and stationery for the use of the General Assembly, by act of 10th January, 1845, in addition to balance unexpended 30th Sept., 1844,	1,077 50	258 25	819 25	4
5.	To pay for the completion of the State House in the City of Little Rock, the balance unexpended 30th September, 1844,	1,274 76	1,205 78	68 98	5
6.	To pay the salary of Commissioner of Public Buildings, by act of 10th January, 1845, including arrearages then due,	1,220 00	1,031 42	188 58	6
7.	To pay officers and contingent expenses of the Penitentiary, by act of 10th January, 1845, including arrearages then due,	5,500 00	5,500 00		7
8.	To pay all expenses and costs in the prosecutions of persons for making and circulating spurious gold and silver coin, and paper purporting to be of certain banks or corporations, unexpended 30th Sept. 1844,	1,063 85	164 50	899 35	8
9.	To pay salaries of the officers of the Bank of the State of Arkansas, and to pay "judgments that are, or may be, obtained against the Bank," by act 10th January, 1845, and balance unexpended,	26,568 93	20,396 41	6,172 52	9
10.	To pay *locating agents for locating* a portion of the 500,000 acres of land granted by U. S. to this State, appropriated by act of 10th Jannary, 1845,	3,500 00	2,354 42	1,145 58	10
11.	To pay commissioners and surveyor to mark out and define the northern boundary line of this State, balance unexpended 30th Sept. 1844, after deducting $1000 transferred, under act of 17th December, 1844, to contingent fund of said line	2,616 00	1,999 00	617 00	11
12.	To defray the expenses of assistants, and other incidental expenses in marking out the northern boundary line of this State, amount transferred from the fund to pay commissioners and surveyor by act of 17th *Dec.*, 1844.	1,000 00	1,000 00		12
13.	To pay the salary of the Governor by act of 10th January, 1845, in addition to balance unexpended 30th Sept., 1844,	5,100 00	4,619 57	480 43	13
14.	To pay contingent expenses of the Executive Department and Supremo Court, by act of 10th January, 1845, in addition to balance to pay Executive postage, and for bringing election returns, unexpended,	6,440 55	6,328 70	111 85	14
15.	To pay the salary of the State Land Agent in specie out of the internal improvement fund accruing from the sales of the 500,000 acre lands, and when paid by the State Treasury to be reimbursed in the kinds of funds paid, by acts of 20th Dec., 1844, and 10th January, 1845, in addition to the balance unexpended 30th Sept., 1844, to pay salary of Governor's private Secretary and Land Agent,	1,282 19	1,044 52	237 67	15
16.	To pay the salary of the Adjutant General by act of 10th January, 1845, in addition to balance unexpended 30th September, 1844, in addition to which the sum of $81 76 has been drawn and is added, under act of 29th Nov., 1842,	258 35	258 35		16
17.	To pay salaries of the Judges of the Supreme Court, by act of 10th January, 1845, in addition to the balance unexpended 30th Sept., 1844,	15,265 00	12,158 92	3,106 08	17
18.	To pay the salary of the Reporter of the decisions of the Supreme Court, by act of 10th January, 1845, in addition to balance unexpended 30th Sept., 1844,	517 12	440 54	76 58	18
19.	To pay for printing, stitching, and covering with strong paper and distributing the decisions of the Supreme Court, by act of 10th January, 1845,	2,500 00	2,500 00		19
20.	To pay Special Judges of the Supreme Court, the balance unexpended 30th Sept., 1844,	1,200 00	600 00	600 00	20
21.	To pay salaries of the Judges of the Circuit Court, by act of 10th January, 1845, in addition to balance unexpended 30th Sept., 1844,	21,991 07	19,160 03	2,831 04	21
22.	To pay Special Judges of the Circuit Court, by act of 28th Nov., 1844, in addition to the balance unexpended 30th Sept., 1844,	3,300 00	3,300 00		22
23.	To pay salaries of Prosecuting Attorneys, by act of 10th January, 1845, in addition to the balance unexpended 30th Sept., 1844,	7,852 99	4,671 42	3,181 57	23
24.	To pay salaries of Secretary of State, Auditor and Treasurer, by act of 10th January, 1845, and up to that time the amounts appropriated by acts of 2d and 3d Feb. 1843, and also the amount appropriated by act of 9th January, 1845, to the Secretary of State for clerk hire in his office up to, and including, 30th Sept., 1846, all in addition to balance unexpended 30th Sept. 1844,	7,439 98	5,705 34	1,734 64	24
25.	To pay clerk hire in the Auditor's office, by act of 10th Jan., 1845, in addition to balance unexpended 30th Sept., 1844,	2,783 66	2,074 48	709 18	25
26.	To pay for advertising lands for sale for taxes, by act of 10th Jan., 1845, in addition to balance unexpended 30th Sept., 1844,	723 50	384 00	339 50	26
27.	To pay Registers of Land Offices and Auditor for lists of lands, the balance unexpended 30th Sept., 1844,	538 71	371 74	166 97	27
28.	To pay warrants drawn to refund money under acts of 26th Dec., 1840, and 14th Jan., 1843, a "sufficient sum" appropriated by those acts,	142 62	142 62		28
29.	To pay special appropriations, as per acts of 10th and 30th Dec., 1844, and 3d, 7th, and 10th January, 1845,	2,454 28	2,454 28		29
30.	To pay Electors of President and Vice President of the U. S., by act of 12th Dec., 1844, in addition to the balance unexpended 30th Sept., 1844,	116 39	90 00	26 39	30
31.	To pay the funeral expenses of the Hon. M. W. Baltimore, by act of 10th January, 1845,	129 75	122 25	7 50	31
32.	To pay the funeral expenses of the Hon. John Clark, by act of 10th January, 1845,	200 00	143 37	56 63	32
33.	To pay for school books for the common schools of this State, the whole of the common school fund, deposited in the State Bank, appropriated by act of 7th January, 1845, and to be expended by Auditor for school books,	1,515 84	1,515 84		33
34.	To pay for school books for the common schools of this State, appropriated by act of 9th January 1845, and to be placed, by the financial receiver of the Bank of the State of Arkansas, at Little Rock, to the credit of the State Treasurer in specie, but the whole of the common school fund having been appropriated and withdrawn from the Bank under act of 7th January, 1845, on the 8th January, 1845, no funds remained out of which the appropriation could be paid,	1,000 00		1,000 00	34
35.	To pay for sinking a salt well in Van Buren county, by act of 8th January, 1845,	300 00		300 00	35
36.	To pay special appropriations, by act of 3d Feb., 1843, unexpended 30th Sept. 1844,	550 00		550 00	36
37.	To pay Sheriffs' fees and other contingent expenses of calling out militia, under act of 3d March, 1838, unexpended 30th Sept., 1844,	2,000 00		2,000 00	37
38.	To pay *expenses of calling out militia, under act of 3d March, 1838, unexpended 30th Sept., 1844,*	12,000 00		12,000 00	38
39.	To amount appropriated by act of 3d March, 1838, to carry into effect 11th section of said act to sustain the sovereignty of the State, unexpended 30th September, 1844,	50,000 00		50,000 00	39
40.	To pay for recording and arranging in township order, abstracts of taxable lands, balance unexpended 30th September, 1844,	659 98		659 98	40
41.	To pay for laws of the U. S., purchased, and other books which shall be purchased, in compliance with law, for the State library, by act of 3d Feb., 1843, unexpended 30th September, 1844,	300 00		300 00	41
	Total,	$231,883 02	$135,584 50	$96,298 52	

Auditor's Office,
Little Rock, Ark's., 1st *Oct.*, 1846.

ELIAS N. CONWAY, *Auditor of Public Accounts*
of the State of Arkansas.

[B.]

RECEIPTS, &C.

A TABULAR STATEMENT showing the receipts into the State Treasury from all sources, and the kinds of funds received, during the two years ending with the 30th day of September, 1846; *the amount of Treasury Warrants reported by the State Treasurer as issued; the expenditures of the State through the State Treasury during the same period, and the balance remaining in the Treasury on the* 1st *day of October,* 1846.

TIME PAID IN.	Cash paid by Collectors.			Surplus revenue withdrawn from the State Bank.		State tax paid for redemption and purchase of lands forfeited for taxes.			State tax paid at State treasury by non-residents.		Common school fund withdrawn from State Bank in specie.	Paid by State Bank under act for relief of Jas. B. Jackson, approved 30th December, 1844,—in specie.	Reimbursed to State Treasury by State Bank under sec. 1, of appropriation act of the 10th January, 1845,—in Arkansas Bank paper.	Reimbursed to State Treasury by Internal Improvement fund under sec. 1. of appropriation act of the 10th January, 1845,—in specie.	Reimbursed to State Treasury by Internal Improvement fund under sec. 15, of appropriation act of 10th Jan., 1845, for salary of land agent.		Treasury warrants issued by Treasurer to redeem Auditor's warrants.	Total amount paid into the State treasury for State revenue, including treasury warrants issued.	County tax paid for redemption and purchase of lands forfeited for taxes.			County tax paid at the State Treasury by non-residents.		Escheat in Phillips county under sec. 35, of school law,—in specie.	Escheat in Pulaski county under sec. 35, of school law.	Common school fund under section 135, of revenue law,—in Arkansas Bank paper.	Total amount paid into the State Treasury, from all sources, including Treasury warrants issued by State Treasurer.
	In specie.	In Arkansas Treasury warrants.	In Arkansas Bank paper.	In Arkansas Bank paper.	In specie.	In specie.	In Arkansas Treasury warrants.	In Arkansas Bank paper.	In specie.	In Arkansas Treasury warrants.					In Ark's trea. war's.	In Specie.			In Ark's bank paper.	In Ark's Treas. warrants.	In Specie.	In Ark's Treas. warrants.	In Specie.				
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C	D. C.
4th Quarter of 1844,			19,607 05	6,018 35	1,048 00			442 93				200 00						27,316 33	799.50								28,115 83
1st Quarter of 1845,			2,116 73		32,732 91			419 10			1,515 84			407 58			8,470 97	45,663 13	322 18								45,985 31
2nd Quarter of 1845,	3 96		884 56				6 20		62	231 29							13,303 21	14,429 84		3 10		760 71					15,193 65
3rd Quarter of 1845,			311 39				108 56		16 56	1,117 13							16,226 97	17,780 61		334 01		2,236 25	17 99				20,368 86
4th Quarter of 1845,	7,014 75	17,092 96	277 75			3 46	166 50			14 93				942 17			8,859 98	34,372 50		191 49	6 85	32 28		21 66			34,624 78
1st Quarter of 1846,							370 48							724 56			9,165 59	10,260 63		216 06	3 29						10,479 98
2nd Quarter of 1846,							170 19			386 45				1,695 13			7,619 71	9,871 48		254 53		1,217 67					11,343 68
3rd Quarter of 1846,			84,73				84 96			642 54			3,150 00	358 20	750 00	12 33	5,687 03	10,769 79		99 38		1,595 94					12,465 11
	7,018 71	17,092 96	23,282 21	6,018 35	33,780 91	3 46	906 89	862 03	17 18	2,392 34	1,515 84	200 00	3,150 00	4,127 64	750 00	12 33	69,333 46	170,464 31	1121 68	1,098 57	10 14	5,842 85	17 99	21 66			178,577 20
Balances due from the State to the funds indicated, but not actually in the Treasury on the 1st October, 1844,																			1,320 63						33 54	124 00	1,478 17
																											$180,055 37

EXPENDITURES.

WHEN EXPENDED.	Amount of Auditor's warrants issued during the two years ending with 30th September, 1846.	Auditor's warrants redeemed by the State Treasurer.			Total amount of Auditor's warrants redeemed.	Amount of Auditor's warrants outstanding 1st Oct., 1846, of which $1,250 were issued before, and $2500 were issued since 1st Oct., 1844.	Drafts of county Treasurers paid on account of forfeited lands redeemed and sold.		County tax refunded without warrants,—in Arkansas Bank paper.	Total amount of county tax paid out on account of forfeited lands redeemed and sold.	Drafts of county Treasurers paid on account of taxes paid by non-residents.		Arkansas treasury warrants redeemed in specie.	Amount of scrip redeemed, of which $0,99 is interest.	Total amount paid out.	Add amount of State revenue not paid out, but absorbed by the receipt of Treasury warrants for State revenue.	Add amounts due from the State, but not in the Treasury on 1st October, 1844, to counties, $1,320 63, and for escheats in Pulaski Co., $33 54, and for common school fund, $124 00.	Total amount.	
		In Ark's bank paper.	In Specie.	In Ark's Trea. Warrants.			In Ark's bank paper.	In Ark's Trea. Warrants.			In Ark's Trea. Warrants	In Specie.							
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	
4th Quarter of 1844,	20,050 45	10,716 47	1,248 00		11,964 47		15 23			15 23					11,979 70		1,478 17	13,457 87	
1st Quarter of 1845,	48,975 56	*13,411 52	*28,275 43	8,470 97	50,157 92	Warrants outstanding three thousand seven hundred & fifty dollars.	572 07		6 48	578 55			150 00	2.99	50,889 46			50,889 46	
2nd Quarter of 1845,	14,653 94	5,432 20	105 00	13,303 21	18,840 41		728 37			728 37					19,568 78	237 49		19,806 27	
3rd Quarter of 1845,	20,479 78	100 66	1,515 84	16,226 97	17,843 47										17,843 47	1,225 69		19,069 16	
4th Quarter of 1845,	8,859 98	1,656 16		8,859 98	10,516 14		72 94			72 94			6,287 71		16,876 79	17,274 39		34,151 18	
1st Quarter of 1846,	9,176 84			9,165 59	9,165 59		349 83			349 83			1,695 87		11,211 29	370 48		11,581 77	
2nd Quarter of 1846,	7,700 92	92 46		7,619 71	7,712 17		140 70	55 74		196 44	336 70		1,590 50		9,835 81	556 64		10,392 45	
3rd Quarter of 1846,	5,687 03	3,150 00		5,687 03	8,837 03		65 57	8 06		73 63	908 02	4 80	685 93		10,509 41	1,477 50		11,986 91	
	$135,584 50	*$34,559 47	*$31,144 27	69,333 46			1,944 71	63 80	6 48										
					$135,037 20					$2,014 99	1,244 72	4 80	10,410 01	2 99	148,714 71	21,142 19	1,478 17	171,335 07	$171,335 07

Balance in the Treasury 1st of October 1846, composed of $5,632 90 Treasury warrants due to counties; $2,449 29, Arkansas Bank paper; and $638 11 specie, of which specie $44 99 is due to counties and Phillips county School Commissioners, ... $8,720 30

☞For further illustration of this table, (B) see table marked C.

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*Note.—Under sec. 5 of the Appropriation Act 10th January, 1845, the sum of $4,528 67 in specie, was paid out by the State Treasurer in January, 1845, in exchange for the same amount of Arkansas Bank paper, which had been previously paid to redeem warrants drawn by the Auditor, therefore $4,528 67 should be deducted from the aggregate amount of Arkansas Bank paper paid to redeem Auditor's warrants, and ADDED to the aggregate amount of specie paid to redeem Auditor's warrants.

AUDITOR'S OFFICE,
Little Rock, Arkansas, 1st October, 1846.

ELIAS N. CONWAY, *Auditor of Public Accounts*
of the State of Arkansas.

[C]

AN ANALYSIS of Table "B." forming three parts. No. 1, relative to Specie. No. 2, Arkansas Bank paper. No. 3, Arkansas Treasury Warrants.

PART No. 1.

A statement showing the whole amount of specie paid into the State Treasury as shown by the receipts of the Treasurer on file in this office, the amount reported as paid out during the two years ending with the 30th September, 1846, and for what purposes, and the balance in the Treasury 1st October, 1846.

	Specie Expended. D.	C.	Total Specie received from all sources. D.	C.
Total amount of specie received from all sources			46725	86
of which there has been expended as reported to Auditor,				
To redeem Auditor's Warrants,	31144	27		
To pay for that amount of Arkansas Bank paper returned to Treasury under Section 15 of appropriation act of 10th January, 1845,	4528	67		
To redeem Treasury Warrants issued by State Treasurer,	10410	01		
To pay part of draft of Treasurer of Van Buren county on account of non-resident's taxes, which had been paid into the Treasury in specie,	4	80	46087	75
Balance specie 1st October, 1846,			638	11
of which the sum due to the Common School Commissioners of Phillips county, on account of Escheat, under Section 35 of School law, is	21	66		
To counties on account of specie paid for county tax for redemption and purchase of Lands forfeited for taxes,	10	11		
To counties for balance of specie not paid out, which was paid by non-residents for county taxes on Lands,	13	19	44	99
Balance specie applicable to redemption of Treasury Warrants,			$593	12

PART No. 2.

A statement showing the whole amount of Arkansas Bank paper paid into the State Treasury during the two years ending with the 30th September, 1846, according to receipts of the State Treasurer on file in this office, the amounts reported to Auditor as paid out, and for what purposes, and the balance remaining in the State Treasvry on the 1st day of October, 1846.

	Total am'nt of Arkansas Bank paper. D.	C.
Paid by Sheriffs for Revenue,	23282	21
Paid surplus Revenue fund,	6018	35
State tax paid for redemption and purchase forfeited lands,	862	03
Paid by State Bank to Re-imburse Treasnry,	3150	00
County tax paid for redemption and purchase of forfeited lands,	1121	68
Total Arkansas Bank paper paid into State Treasury,	34,434	27

EXPENDED DURING SAME PERIOD.

For what purposes paid out as reported to Auditor.	Amounts reported as paid out D.	C.	D.	C.
To redeem Auditor's Warrants there was originally paid in Arkansas Bank paper, the sum of $34559 47-100, but under act of 10th January, 1845, the sum of $4528 67-100, was returned to the Treasury for specie, leaving actually expended in Arkansas Bank paper to redeem Warrants,	30030	80		
To pay drafts of county Treasurers on account of forfeited lands redeemed and sold,	1944	71		
To refund county tax without Warrants,	6	48		
To redeem old scrip and pay interest on it	2	99	31981	98
Balance Arkansas Bank paper in Treasury 1st Oct., 1846,			2449	29

PART No. 3.

A statement showing the total amount of Treasury Warrants reported by the State Treasurer as issued, the amount reported as redeemed in specie, and otherwise the amount unredeemed according to report and receipts of State Treasurer, and the amount remaining in the State Treasury on the 1st day of October, 1846, and belonging to counties.

	Amount of Treasury Warrants Redeemed. D.	C.	Total amount Treasury Warrants reported to Auditor as issued. D.	C.
Total amount of Treasury Warrants reported to Auditor as issued,			69333	46
Treasury Warrants, REDEEMED				
In specie, amount reported to Auditor as redeemed,	10410	01		
And according to receipts of State Treasurer filed in Auditor's office, Paid for State Tax by Collectors,	17092	96		
State tax paid for redemption and purchase of forfeited lands,	906	89		
Paid by non-residents for State tax on lands and town lots,	2392	34		
Paid by Internal Improvement fund under Sec. 15 of appropriation Act of 10th January, 1845, to re-imburse State Treasury in same kind of funds paid by the State Treasury for salary of Land Agent,	750	00	31552	20
Leaving Treasury Warrants unredeemed,			37781	26
of this amount there remains in the State Treasury and belonging to counties for county tax paid into the State Treasury for redemption and purchase of lands and town lots, forfeited for taxes,	1034	77		
County Taxes paid by non-residents on lands and town lots,	4598	13	5632	90
Leaving outstanding 1st October, 1846, exclusive of the $5632 90-100 belonging to counties as above stated.			32148	36

[D.]

A STATEMENT showing the amounts of funds which were to the credit of the State in the Bank of the State of Arkansas at Little Rock, on the 1st October, 1844, the amounts withdrawn during the last two years, as shown by Table "B," and the balance of each fund remaining to the credit of the State on the 1st October, 1846.

	Surplus Revenue Fund.	Five per cent Fund for Internal Improvements.	Seminary Fund.	Common School Fund.	Saline Fund for In't. Improvements.	Bank to re-imburse to State Tr. under sec. 1 of app'rn. Act of 10th January, 1845	Total.
Amounts of funds which were to the credit of the State in the Bank on the 1st day of October, 1844,	$53630 21	$68777 20	$2188 41	$1515 84	$151 37		$126263 03
Amount to be Re-imbursed to State Treasury by the Bank under Sec. 1 of appropriation Act of the 10th of January, 1845,						$7645 00	
Deduct the amount of the Surplus Revenue Fund, which has been withdrawn under Acts of 3rd February, 1843, 17th Dec. 1844, and 10th January, 1845, as shown in Table "B."	39799 26						
Deduct the Common School Fund withdrawn as shown by Table "B," and expended for School Books under Act of 7th January, 1845,				1515 84			
Deduct the amount of the five per cent or Internal Improvement fund reported by the Financial Receiver of the Bank as withdrawn upon orders of the Governor under a Resolution of 10th January, 1845,		549 76					
Deduct amount paid by the Bank to Re-imburse the State Treasury as shown by Table "B."						3150 00	
Balance of each Fund to the credit of the State in the Bank on the 1st day of October, 1846.	$13830 95	$68227 44	$2188 41		$151 37	$4495 00	3,893 17

Auditor's Office,
Little Rock Arkansas, 1st October, 1846.

ELIAS N. CONWAY, *Auditor of Public Accounts*
of the State of A[illegible]sas.

[E.]

A STATEMENT showing the amount of County tax remaining due from the State Treasury on the **1st** *October*, **1846**, *to the following named counties, on account of forfeited lands sold and redeemed.*

	NAMES OF COUNTIES.	AMOUNT DUE EACH COUNTY.	
1	Arkansas,	$198	71
2	Benton,	33	16
3	Conway,	35	24
4	Chicot,	65	92
5	Crittenden,	31	59
6	Clark,	50	40
7	Independence,	24	67
8	Jackson,	11	94
9	Lawrence,	22	51
10	Monroe	310	83
11	Phillips,	37	13
12	Poinsett,	46	53
13	Pulaski,	82	36
14	Randolph,	29	73
15	St. Francis,	151	92
16	Saline,		73
17	White,	36	02
18	Mississippi,	16	48
19	Jefferson,	35	09
20	Perry,	2	70
21	Van Buren	18	69
22	Bradley,	50	92
23	Lafayette,	14	25
24	Sevier,	143	35
25	Hempstead,	85	16
	Total,	$1,536	03

The total amount as above stated, is composed of $1,034 77-100 in Arkansas Treasury Warrants, and $10 14-100 in specie, remaining in the State Treasury, and $491 12-100 in Arkansas Bank paper remaining due from the State.

[F.]

A STATEMENT showing the amount of county tax remaining in the State Treasury on the 1st October, 1846, *as exhibited in the aggregate in table "B." and the amount belonging to each of the following named counties, on account of county taxes paid into the State Treasury by non-residents, under act of the 8th of January*, 1845.

	NAMES OF COUNTIES.	AMOUNT DUE EACH COUNTY.	
1	Arkansas,	$157	75
2	Bradley,	110	79
3	Conway,	38	40
4	Crittenden,	231	58
5	Clark,	166	25
6	Chicot,	476	28
7	Desha,	68	45
8	Dallas,	121	19
9	Franklin,	71	13
10	Fulton,	10	20
11	Hempstead,	139	33
12	Hot Springs,	44	27
13	Independence,	43	86
14	Jefferson,	431	49
15	Jackson,	5	63
16	Lafayette,	307	45
17	Lawrence,	23	46
18	Monroe,	664	96
19	Mississippi,	67	58
20	Ouachita,	99	55
21	Pulaski,	183	34
22	Phillips,	160	03
23	Pike,	9	10
24	Perry,	41	70
25	Poinsett,	92	40
26	Randolph,	15	90
27	Sevier,	283	26
28	Saline,	159	11
29	St. Francis,	66	37
30	Union,	253	11
31	Van Buren,	9	60
32	White,	42	25
33	Yell,	15	55
	Total being $13 19-100 in specie, and $4,598 13-100 in Treasury Warrants of this State.	$4,611	32

ELIAS N. CONWAY, *Auditor of Public Accounts*
of the State of Arkansas.

AUDITOR'S OFFICE,
Little Rock, Ark., October 1st, 1846.

[G]

A STATEMENT exhibiting each species of property taxed in the several counties in this State for the year 1845, and the separate valuation of each where practicable to obtain the same from the tax-books; the aggregate value of taxable property in each county; and the gross amount of taxes (in dollars and cents rejecting smaller fractions,) charged to Sheriffs upon returns made to this Office, by the Clerks of the several counties. Where the amount of taxes in any county exceeds one-eighth of one per cent. on the value of the property, the difference must be attributed to arrearages of taxes for other years; and where the taxes do not amount to one-eighth of one per cent., the slight variations must be attributed to the difference between the additions of complicated tax-lists by the Auditor and by the Clerks.

COUNTIES.	No. of persons liable to pay a poll tax.	No. of acres of land, taxed	100ths of acres.	Value of land taxed.	No. Town lots taxed.	Value of Town lots	No. of slaves over 8 and under 60 years of age.	Value of Slaves, taxed.	No. of Saw-Mills.	Value of Saw-Mills, taxed.	No. of Tan-Yards.	Value of Tan-Yards, taxed.	No. of Distilleries, taxed.	Value of Distilleries, taxed.	Household furniture over $400 worth taxed.	No. of pleasure carriages, taxed.	Value of pleasure carriages, taxed.	No. of Horses and Mares over 3 years old, taxed.	Value of Horses and Mares over 3 years old, taxed.	No. of Mules over 2 years old taxed.	Value of Mules over 2 years old taxed.	No. of Jacks and Jennies over 2 years old taxed.	Value of Jacks and Jennies taxed.	Number of neat Cattle over three years old.	Value of neat Cattle taxed.	Capital employed in merchandizing taxed	Money loaned at interest taxed.	Capital in steamboats taxed.	Pedlars of merchandise, license.	Pedlars of Clocks, license.	Total value of taxable property.	Total amount of State tax.	
Arkansas,	221	98,681	68	$332,390	33	$6260	577	$202,500	1	$2,000		$		$	$200	2	$450	519	$16485	161	$5035	9	$285	2432	$15704	$2700					$584,009	$802 88	1
Benton,	168	32,354		110,612 50	155	9005	151	54,175	3	3300	2	540	3	280		4	305	819	24050	48	1670	3	350	2030	14824	7282	$1,952				228,345 50	286 06	2
Bradley,	317	72,089	18	216,493	33	1447	582	225,205	1	1000						2	200	497	18424	97	3537	7	440	1818	13765	9135	150		$75		489,796	696 90	3
Crawford,	871	109,391	78	314,313 82	1,150½	107705	452	159,367	2	450	2	280	1	75	600	3	550	1367	39319	128	3423	9	505	3771	24435	209287					890,309 82	1,115 95	4
Conway,	505	55,529	70	187,825	61¾	3405	115	42,650	2	1400	2	80				1	50	941	30023	31	1086	6	440	2758	18040	5625	1035				291,659	700 14	5
Carroll,	525	19,718	67	33,091 50	58	2218	99	35,700	2	1200	1	50	2	100		1	50	1061	24721	7	145	6	130	2244	13498	4523	1122				116,548 50	143 70	6
Crittenden,	294	156,078	01	639,514 10	35	880	325	125,235										412	14411	56	2190	3	400	2138	14187						796,817 10	999 26	7
Clark,	402	135,610	06	471,624	160	3721	306	113,600	1	100	1	200				1	75	713	23985	91	2910	7	350	2206	15497	6652	355	$2250			641,319	1,277 53	8
Chicot,	417	280,539	27	1,258,538 89	87	9930	2253	891,850			1	500				2	500	976	39830	459	17995	10	690	3769	22255	13800	725				2,256,613 89	2,847 67	9
Dallas,	217	52,259		156,776			428	163,250								2	160	302	9955	137	4990	1	30	827	7137	3250					345,548	496 20	10
Desha,	331	62,999	47	215,536	145½	22849	408	154,960	2	1300								463	16131	58	2235	3	400	2181	14300	13024			225		440,735	826 17	11
Franklin,	462	41,091		135,592	65	2659	243	84 050	1	300	3	900						899	22325	76	1960	7	295	2047	13316	9726	877				272,000	347 25	12
Fulton,	208	5,162		16,388	21	784	33	10,555	1	100			1	60				452	12686	5	120	2	200	778	5189	780	544				47,406	60 05	13
Greene,	391	2,235		6,885	41	400	35	11,700					2	140				546	19569	10	315	3	300	1866	14360	4907	1515				60,091	72 23	14
Hempstead,	400	193,875	58	660,762	279½	10650	1262	518,160	5	3000	3	250			600	18	3225	1378	56819	32	1060	1	200	3682	29919	3300	600				1,288,545	1,634 02	15
Hot Spring,	219	32,151	99	96,560 97	3	160	120	43,705	5	1900	1	500						411	13765	36	1385	1	50	1221	9368	500	1075		175		168,968 97	402 13	16
Independence,	675	90,851	41	296,474	127½	15845	313	107,905	4	1550	3	1150	1	60	400	2	130	1239	29707	37	950	16	811	2974	15647	16567					487,196	747 05	17
Izard,	292	5,084		17,582	37	260	89	28,685	3	2000			1	200				596	13741	18	457	5	450	1347	8150	920	504				72,949	90 98	18
Jefferson,	326	114,363	37	391,750 62	161½	5632	980	330,350	4	2700	1	1000			200	1	50	870	26932	220	5715	8	405	2937	15398	17808	2812		50		800,752 62	1,072 99	19
Jackson,	303	63,242	22	192,793	1	300	156	51,920			2	1800				5	230	474	12886	25	760	2	150	1559	9644	6557	400				280,440	352 36	20
Johnson,	605	60,353	20	198,466 38	144	8136	441	159,687 50	1	600	6	3500			400	6	355	1073	35744	95	2862	6	340	2648	18221	43390	2987				474,688 88	592 46	21
Lafayette,	163	119,880	59	523,921	15	1250	1461	560,725	1	250					500	5	1250	423	19377	572	21575	2	170	1890	15772	1400					1,146,190	1496 44	22
Lawrence,	529	41,213		132,709	53½	5475	204	67,050	2	550	2	225	4	188		1	300	1266	28994	19	440	6	275	2867	15495	5456	7193				264,350	462 28	23
Montgomery.	182	326	01	1,179			58	22,800	1	400								394	13490	17	650	1	50	1026	7817	390					46,776	58 44	24
Monroe,	206	101,439	18	305,404 59	40	855	60	24,500	1	2000	1	300						250	9830	7	255			1083	7781				25		350,925 59	620 70	25
Madison,	587	16,097	75	51,571	67	4574	100	31,325	2	1100	6	725	3	300				1632	25784	17	405	7	265	2044	12421	3584	1677				133,731	170 46	26
Marion,	251	5,147	35	16,689			38	12,850	3	1800						1	60	567	18306	12	445	8	1040	1379	9665	5564					66,419	80 47	27
Mississippi,	188	31,104	10	132,929			350	125,185								1	250	272	10281	121	5410	5	530	1586	11036	2000					287,621	364 70	28
Newton,	213	400		1,280			17	5,135					2	500				352	8499	1	25	2	125	802	4805	390	284				21,043	26 93	29
Ouachita,	482	39,903	48	132,780 52	51½	22343 50	820	321,985	1	1000	1	200				4	600	578	27629 50	224	9085	4	305	1681	14746½	35830 48	450				566,955 50	704 75	30
Polk,	165	80		240			26	8,500	1	250								254	7984					694	4371						21,345	26 68	31
Pulaski,	806	139,563	66	437,427 71	1,616	169547	700	243,730	13	10600	1	200			8300	27	3745	1982	29930	110	3576	14	475	2895	17169	96396	6117		150		1,027,212 71	2197 98	32
Pope,	553	26,976	31	92,571	33	3150	204	69,950	4	5500	3	240				2	45	848	28291	42	1300	11	545	2413	15738	13042	1781				232,153	290 19	33
Phillips,	713	269,288	31	903,736 75	892	35117	852	326,025	5	10700	1	1000			400	8	1480	873	35108	216	7840	7	1140	3456	29058	40000					1,391,604 75	1982 71	34
Pike,	113	11,908		40,191	17	830	43	17,450	1	700	1	100						291	10040	18	665	1	30	958	7770	2500					80,276	97 32	35
Perry,	156	10,373	23	31,167	6	58	20	8,750	1	1000								250	7163	3	125			886	5770	400					54,433	67 89	36
Poinsett,	306	35,513	03	106,674	25	1385	61	21,625			1	150	1	50				409	14907	25	910	8	740	1500	9672	630	90				156,833	388 93	37
Randolph,	413	40,025	85	123,392 09	225	12160	148	50,250	1	400	1	1000	5	320		2	70	930	27150	22	605	2	110	2471	14880	5536	5707				241,580 09	363 67	38
Sevier,	364	57,525	20	205,207 86	49	870	622	225,870	2	2100	1	30						770	27793	152	5905	3	75	2617	17364	100	1500				486,814 86	701 63	39
Saline,	421	73,608	85	238,716 14	425½	7999	278	102,650	2	600	3	215						637	22538	75	2510	2	300	1764	12452	2020	1240		25	100	391,240 14	628 59	40
Scott,	338	1,449	94	4,576 28			72	27,128	2	2500						1	75	596	20,008	20	570	5	150	1443	10886	1500	400				67,793 28	138 05	41
Searcy,	231	386		1,057	2	25	13	4,975					1	100				424	14935	2	65	3	500	921	6719	25	279				28,680	34 66	42
St. Francis,	446	101,549	03	325,426	9	340	254	88,750			1	1000				1	200	606	26784			1	500	1734	17388	3300					463,688	747 94	43
Union,	877	55,545	91	184,203 66			1554	604,540	3	1300						23	2635	1094	44602	409	15968	11	705	2825	27274	38554 47	1670		50		921,352 13	1228 40	44
Van Buren,	281	7,888	64	24,704			54	19,400					4	700				519	15475	21	760	1	100	1339	8035	1000	189				70,363	120 72	45
Washington,	1257	152,123		464,547	169	16006	590	194,441	8	1550	11	2665	7	685		10	610	2396	64617	112	2878	26	1315	4960	29879	83167	6067				868,427	1087 51	46
White,	290	36,655		110,281	84½	2940	77	28,650	4	1600	1	1000				1	100	391	14716	13	385			1542	10719		800				171,191	282 82	47
Yell,	446	26,586	25	94,053	54	1715	106	40,975	2	3000	2	250				1	70	736	22246	33	1059	8	500	1814	11671		239				175,778	219 73	48
Total,	19,494	3,113,944	26	10,666,603 38	6,636½	498,885 50	18,180	6,773,423 50	98	71,800	65	20,050	38	3,758	11,600	138	17,820	34,248	1,097,985 50	4,090	144,211	253	17,166	97,823	669,207½	722,417 95	52336	2250	775	100	20,769,514 33	30154 57	

AUDITOR'S OFFICE,
Little Rock, Arkansas, October 1, 1846.

ELIAS N. CONWAY, *Auditor of*
Public Accounts of the State of Arkansas.

[H.]

A STATEMENT exhibiting each species of property taxed in the several counties in this State for the year 1846, *and the separate valuation of each where practicable to obtain the same from the tax-books; the aggregate value of taxable property in each county; and the gross amount of taxes (in dollars and cents rejecting smaller fractions,) charged to Sheriffs upon returns made to this Office, by the Clerks of the several counties. Where the amount of taxes in any county exceeds one-eighth of one per cent on the value of the property, the difference must be attributed to arrearages of taxes for other years; and where the taxes do not amount to one-eighth of one per cent., the slight variations must be attributed to the difference between the additions of complicated tax-lists by the Auditor and by the Clerks. From the counties of Benton, Jackson, and Yell, the tax lists for the year* 1846, *have not been received.*

	COUNTIES.	No. of Persons liable to pay a poll-tax.	No. of acres of land taxed.	100ths of acres.	Value of land taxed	No. town lots taxed.	Value of town lots	No. of slaves over 8 and under 60 years of age.	Value of slaves taxed.	No. of Saw-Mills.	Value of Saw-Mills taxed.	No. of Tan-Yards.	Value of Tan-Yards taxed.	No. of Distilleries taxed.	Value of Distilleries taxed.	Household furniture over $400 worth taxed.	No. of pleasure Carriages taxed.	Value of pleasure carriages taxed.	No. of Horses and Mares over 3 years old taxed.	Value of Horses and Mares over 3 years old taxed.	No. of Mules over 2 years old taxed,	Value of Mules over 2 years old taxed.	No. of Jacks and Jennies over 2 years old taxed.	Value of Jacks and Jennies taxed.	No. of neat Cattle over 3 years old taxed.	Value of neat Cattle taxed.	Capital employed in merchandizing taxed	Money loaned at interest taxed.	Capital in steamboats taxed.	Pedlers of merchandise, licence.	Pedlers of Clocks, licence.	Total value of taxable property.	Total amount of State tax.	
1	Arkansas,	275	100,769	00	$321,821 25	24	$6,030	685	$240,840	1	$2,000		$		$	$200	3	$987	598	$19,443	203	$6,400	5	$120	2,569	$17,607	$3,500					$618,948 25	$910 44	1
2	Benton,																																	2
3	Bradley,	393	66,537	16	199,816 27	55	2,736	687	267.475	1	1,000						2	100	585	21,487	109	3,784	1	75	2,275	17,234	3,258½	6,960				523,925 77	685 44	3
4	Crawford,	897	108,621	75	330.493 37	1081	92,325	500	173,800	2	600	2	180			600	2	250	1,401	39,185	152	4,133	12	595	3,656	14,874	219,010	5200				891,245 37	1,114 30	4
5	Conway,	453	54,388	44	171,382	71	2,645	112	40,375	1	1,200	1	40						860	25,195	29	1.045	3	220	2,508	14,798	8,559	630				266,089	618 40	5
6	Carroll,	535	10,097		30,891	65	2,918	104	38,850	1	600	2	145	4	186		2	85	1,094	27,723	12	375	3	160	2,049	12,299	2,543	605				117,380	151 26	6
7	Crittenden,	231	158,504	86	649.675 72	57	650	304	125,225										338	12,997	61	2,550	4	700	1,716	12,687						804,484 72	1,009 29	7
8	Clark,	453	126,676	00	419,788	177	5,218	344	134,500	1	300	1	100						702	21,647	100	3,399	8	375	2,369	15,383	9,450	400				610,560	767 87	8
9	Chicot,	487	294,794	42	1,253,148 38	107	8,816	2,571	1,058.775			1	200			900	4	1150	1,082	42,696	561	22,635	8	850	3,804	23,922	19,450	725				2,433,267 38	3,049 91	9
10	Dallas,	257	61,040	41	218,990 84	27	432	521	195,725							500	5	410	348	11,900	177	6,805			1,153	9,640	1,550	500				446,452 84	586 21	10
11	Desha,	405	64,939	53	226,778	102	19,166	424	161,080	1	600								502	16,612	57	2,170	3	300	2,251	13,109	15,260					455,075	568 17	11
12	Franklin,	504	42,677		134,301	69	2,745	274	91,341	2	500	3	960				1	75	925	22,782	86	2,173	6	315	2,222	13,564		415				269,171	339 08	12
13	Fulton,	254	8,401		27,163	32	776	37	11,555	1	100								499	14,043	5	130	2	125	927	6,054	2,054	277				62,277	108 12	13
14	Green,	367	2,546		7,660	44	530	37	11,625	1	100			1	25		1	150	536	16,410	14	495	1	30	1,647	10,288	200	745				48,258	61	14
15	Hempstead,	505	189,569	30	635,116 69	296	9,578	1,383	569,420	2	200	4	550			600	23	3,165	1558	59,226	16	540	3	345	3,889	30,617	22,500	1,090				1,332,947 69	1,666 69	15
16	Hot-Spring,	271	31,191	43	102,554			124	45,800	4	1,500	1	200				2	125	466	14,945	48	1,665	1	100	1,311	9,259	1,838	150				178,136	228 88	16
17	Independence,	656	89.346	55	302,711	150½	15,480	356	109,685	2	600	3	900	2	175		1	50	1,278	30,353	42	1140	12	1020	3,030	16,502	23,886	600	$1,000			504,102	687 55	17
18	Izard,	300	4,935		14,924	32	172½	98	32,950	4	1,800	1	20	1	150				588	13,042	19	395	4	290	1,486	9,059	970	155				73,927 50	90 02	18
19	Jefferson,	403	113,585	98	408,273 66	177¼	5,860	1,167	395,375	3	1,400	2	550				2	250	894	27,753	244	7,100	11	425	3,158	16,290	20,750	3,370				887,396 66	1,113 74	19
20	Jackson,																																	20
21	Johnson,	576	69,279	41	183,306 51	96	3,716	425	154,390	3	1,500	4	3,000	3	300	250	4	375	969	32,814	95	2,863	6	295	2,424	15,970	1,700	1,530				402,009 51	515 74	21
22	Lafayette,	194	155,241	43	492,794	24	945	1,606	600,166	2	150					100	7	1,315	454	19,898	592	22,369	3	275	1,981	14,665	3,120					1,155,797	1,481 72	22
23	Lawrence,	598	40,948		123,714	55	2,530	217	72,855	1	300	2	125	3	220		2	350	1,380	30,989	20	467	14	540	3,123	16,667	9,168	8,154			50	266,079	385 62	23
24	Montgomery,	215	1,286	01	4,059	10	62	45	19,100	2	750								433	14,173	18	635		-	1,168	8,345						48,124	59 75	24
25	Monroe,	276	116,237	11	363,029 13	40	710	86	33,900	1	1,000	1	150						316	12,545	9	400			1,079	8,097	1,525	1,050	3,500			425,906 13	806 01	25
26	Madison,	622	16,856	50	54,074	64	4,238	96	31,650	4	1,125	5	345	8	641		2	210	1,072	26,143	15	365	5	245	2,079	12,739	9,253	2,359				143,387	181 15	26
27	Marion,	230	5,067	72	17,457 28			42	13,900	3	1,400								503	15,507	14	620	7	960	1,245	8,206	5,904					63,954 28	79 86	27
28	Mississippi,	188	31,993	18	128,800			350	133,070										266	9,890	124	5,740	6	610	1,587	10,662	2,470					291,242	371 29	28
29	Newton,	234	600		2,080	2	30	28	9,085					3	500		1	50	360	9,007	3	75	1	30	857	5,371	988	377				27,593	34 84	29
30	Ouachita,	620	42,091	69	129,540 63	177½	26,301	1,246	467,330	5	5,860	1	500				16	1,635	720	36,206	304	12,941	6	380	1,916	16,808½	40,057	330			25	731,889 13	936 55	30
31	Polk,	141	80		240			24	9,050	1	150								217	6,539	16	535			747	4,127						20,641	25 80	31
32	Pulaski,	970	205,027	00	642,321	2,504	167.136	720	251,299	7	9,500	1	500			7,650	27	3,550	1,082	29,371	113	3,465	6	315	3,022	16,540	76,786	6,400	4,600			1,219,433	2,550 01	32
33	Pope,	533	26,726	40	85,543	44	1,760	226	82,580	4	4,900	3	450						851	26,457	34	1,147	12	570	1,333	14,524	13,463	1,976				233,370	291 71	33
34	Phillips,	752	263,389	00	841,069	938½	29,915	935	388,300	4	7,000	2	750			500	6	1,470	897	35,737	231	8,540	10	265	3,451	26,561	47,800					1,387,907	1,971 50	34
35	Pike,	119	11,768	13	36.002	22	793	49	17,950	1	700								266	8,358	18	650	2	125	822	5,509	120					70,207	98 19	35
36	Perry,	143	9,650	23	29,385 69			17	7,050	1	1,000								250	7,175	3	130	1	50	807	4,816	303–18					49,909 87	63 12	36
37	Poinsett,	315	31,191	70	93,709	29	1,585	77	28,275			1	150	1	50		1	100	415	16,424	26	1055	(	500	1,449	8,928	1,075					151,851	247 82	37
38	Randolph,	436	41,351	00	123,177	205	9,926	143	48,485	1	200	1	1,000	4	300		1	18	1024	27,546	13	315	4	255	2,500	20,433	12,500	9,554				253,709	316 38	38
39	Sevier,	358	54,584	97	212,870	22	225	619	242,750	2	1,800	1	100						795	28,151	81	3,475			2,683	16,009	4,025					509,405	636 75	39
40	Saline,	435	77,816	62	275,026	252	8,180	293	109,840	2	700	2	150				5	410	637	21,070	75	2,449	3	300	2,024	13,968	5.100	1,640				438,833	554 45	40
41	Scott,	316	2,760	41	8,536 22			70	25,600	2	3,500						2	150	593	17,664	13	362	7	280	1,441	10,211	2,000	615				68,918 22	89 53	41
42	Searcy,	232	625	50	2,217	5	71	17	6,675										420	13,812	5	157	3	350	995	6,891	80	415				30,668	37 80	42
43	St. Francis,	476	104,089	31	321,437	8	720	255	93,675			1	250				2	350	683	30,443	11	560	3	500	2,134	19,405	1,980					469,320	641 13	43
44	Union,	997	65,648	38	199,758 54	36	2,025	1,870	804.425	5	4,200						21	2,460	1,120	48,501	496	21,166	6	420	2,984	28,752	39,498–39	3,206				1,154,411 93	1,446 95	44
45	Van Buren,	240	8,245	32	24,783	12	151	49	18,100					5	400				446	12,182	20	685	6	360	1,180	7,026	2,100	167				65,954	84 01	45
46	Washington,	1,148	141,613		429,634 50	145½	11,950	586	210,725	8	1,820	8	2,150	3	275		7	690	2,431	64,873	145	3,099	16	990	4,233	26,175	66,592	8,508	212			827,693 50	1,034 99	46
47	White,	271	21,805		65,829	60	3,570	85	34,110	4	1,800	2	700				1	75	338	10,875	10	350			1,244	8,192	1,800	700				128,001	161 27	47
48	Yell,																																	48
	Total,	19,281	3,068,593	85	10,345,880 68	7,318¼	452,616½	19,904	7,618,731	90	62.855	56	14,165	38	3,222	11,300	153	20.005	33,198	1,043,789	4,439	161,549	220	14,660	92,527	628,783½	704,186 07	68,803	9,312		75	21,159,857 75	28,860 31	

AUDITOR'S OFFICE,
Little Rock, Arkansas, October 1, 1846.

ELIAS N. CONWAY, *Auditor of*
Public Accounts of the State of Arkansas.

A STATISTICAL TABLE, showing each species of property taxed in the State, and the separate value of each; the total value of property taxed in the State annually for nine years, commencing with the year 1838, and ending with the year 1846, and the amount of taxes charged thereon for each year, as shown in this and former reports. During this whole period, the rate of the State tax has been one-eight of one per cent, on the assessed value of taxable property; and no change of any importance has been made in the revenue law. When the taxes amount to more than one-eight of one per cent, it must be attributed to arrearages of taxes for other years, and to Pedlers' license as stated.

Years.	White population.	Slave population.	Number of acres of land taxed.	100th of acres.	Value of land taxed.	No. of town lots.	Value of town lots and improvements taxed.	No. of slaves over 8 years and under 60 years of age.	Value of slaves taxed.	No. of Saw mills.	Value of Saw mills taxed.	No. of Tan Yards.	Value of Tan Yards taxed.	No. of Distilleries.	Value of Distilleries taxed	House-hold furniture, over $400 00 worth taxed.	No. pleasure Carriages.	Value of pleasure carriages taxed.	No. of horses and mares over 3 years old taxed.	Value of horses and mares taxed.	No. of mules over two years old.	Value of mules taxed.	No. of Jacks and Jennies over two years old.	Value of Jacks and Jennies taxed.	No. of neat cattle over 3 years old.	Value of neat cattle taxed.	Capital employed in merchandizing taxed.	Money loaned at interest taxed.	Capital in Steamboats taxed.	Pedlers of Merchandize license.	Pedlers of Clocks, license.	Total value of taxable property.	Total amount of State tax.
1838	53,905	15,444	2,233,984	00	$7,274,625 00	1,370	$601,903 00	5,717	$2,831,150	49	$87,860	19	$10,250	23	$2,575	$	26	$5,415	13.779	$768,112 00	Included in column of horses and mares.				35,781	$399,032 00	$401,932 *					$15,564,284 00	$21,159 74
1839			2,656,856	07	12,541,651 16	4,446	1,150,401 50	10,629	5,937,933	76	138,107	42	21,747	36	6,951	9,746	68	13,660	22,753	1,424,825 00	1064	$73,542	107	$30,886	58,187	761,068 00	1,064,314 61	$92,358 75	16,500	700	250	23,283,691 02	30,446 12
1840	77,174	19,935	2,535,805	36	11,325,424 70	5,226	1,410,506 25	10,148	5,645,345	84	162,251	34	15,088	55	8,145	27,750	79	16,885	23,831	1,397,668 50	1124	69,756	140	32,790	59,070	755,171 50	1,011,017 44	102,435 00	31,200	25	300	22,011,433 35	31,095 03
1841			2,989.583	75	12,476,414 25	5,193	1,703,624 00	13,072	6,432,024	88	161,556	33	16,195	58	9,780	23,350	100	19,060	27,902	1,526,971 00	2363	128,073	209	38,595	71,121	833,635 00	620,326 42	117,819 00	11,700	575		24,119,122 67	31,956 67
1842	83,193	21,054	2,872,275	70	11,156,736 21	6,182	1,488,472 83	13,345	6,434,307	100	143,810	36	12,370	41	5,634	12,450	85	15,613	28,918	1,451,995 00	2515	129,897	224	35,102	77,240	870,035 50	447,245 56	92,522 00	6,800			22,302,990 10	30,402 59
1843			3,048,168	93	11,038,916 17	7,260¾	1,196,472 33	15,052	5,964,880	83	99,753	41	16,685	48	6,617	14,100	111	15,780	31,418	1,316,544 26	3260	133,795	238	24,792	86,894	757,558 00	424,571 96	79,003 25	800	275		21,090,267 97	31,140 05
1844			2,909,124	10	10,706,350 82	7,056	596,539 33	15,544	5,968,348	92	92,700	62	19,060	48	4,665	12,750	112	15,767	31,288	1,108,099 00	3469	130,391	246	17,865	86,910	653,818 50	554,749 44	59,145 41	600	25		19,940,848 50	26,752 52
1845			3,113,944	26	10,666,603 38	6,636¼	498,885 50	18,180	6,773,423	98	71,800	65	20,050	38	3,758	11,600	138	17,820	34,248	1,097,985 50	4090	144,211	253	17,166	97,823	669,207 50	722,417 95	52,336 00	2,250	775	100	20,769,514 33	30,154 57
1846	111125	32,845	3,068,593	85	10,345,880 68	7,318¼	452,616 50	19,904	7.618,731	90	62,855	56	14,165	38	3,222	11,300	153	20,005	33,198	1,043,789 00	4439	161,549	220	14,660	92,527	628,783 50	704,186 07	68,803 00	9,312	75		21,159,857 75	28,860 31

To ascertain in detail the state of the returns from the respective counties for each year, reference should be made to the several Tabular statements, from which this has been formed. After estimating the number of acres of taxable land in counties from which no returns had been received, the decrease in the number of acres of land taxed in the State, for any year compared with the preceding years, must be attributed to the great number of lands forfeited to the State for taxes. When lands are forfeited to the State, they remain registered in this office until redeemed, sold or donated, after which they are again listed with the Sheriffs for taxation.

AUDITOR'S OFFICE,
Little Rock, Arkansas, October 1, 1846.

[*This amount includes money at interest.]

ELIAS N. CONWAY, *Auditor of*
Public Accounts of the State of Arkansas.

[K]

Estimated expenditures and receipts under existing laws, for two years ending with the 30th day of September, 1848, including funds on hand and Treasury Warrants unredeemed 1st October, 1846.

EXPENDITURES.

Estimated pay of Members and officers, and contingent expenses of the General Assembly at the approaching session, for fifty days,			$22,000 00
Printing and distributing Acts and Journals will probably require *in par Funds*,			5,000 00
Printing, binding and distributing Reports of the Supreme Court will probably require,			5,000 00
To pay the Salaries of the Governor, three Supreme and seven Circuit Judges, seven Prosecuting Attorneys, Secretary of the State, Auditor, Treasurer, Adjutant General, Reporter of the Supreme Court, and Commissioner of Public Buildings, all for two years.			37,910 00
For stationery, printing and postage of State officers; and for stationery and fuel for the use of the Legislature,			2,000 00
All other ordinary contingent expenses of the State and State officers,			5,000 00
Estimated arrearages due from the State Treasury on account of printing Reports of the Supreme Court, Special Judges of the Circuit Court, salaries of officers; taking the census; Auditor's Warrants outstanding $3750; old scrip in circulation $196 89-100, exclusive of interest thereon; balances due to counties in Arkansas Bank paper and specie; and all other contingent expenses of the State, excluding claims against the Banks and the Penitentiary,			18,000 00
These sums amount in the aggregate to,			$94,910 00
To which *add* for Salaries of			
Bank Officers,	$13,200 00		
Agent of the Penitentiary,	2,000 00		
and Land Agent,	1,000 00		16,200 00
Estimated expenditures next two years,			$111,110 00
Add Treasury Warrants issued by State Treasurer and unredeemed 1st October, 1846,			37,781 26
			$148,891 26

RECEIPTS.

To be paid into the Treasury first year,	$33,000 00		
To be paid into the Treasury second year,	35,000 00	$68,000 00	
Surplus Revenue in Bank, Arkansas Bank paper,	13,830 95		
Balance due and to credit of State in Bank to re-imburse Treasury,	4,495 00	18,325 95	
Due from Internal Improvement Fund,	11,372 36		
From Internal Improvement fund to re-imburse salary of Land Agent, for last three months, and next two years, included in estimate of expenditures,	1,125 00	12,497 36	
Balance Arkansas Bank paper in the Treasury,	2,449 29		
Balance Specie in the Treasury applicable to the redemption of Treasury Warrants,	593 12	3,042 41	
		$101,865 72	101,865 72
Probable deficit in the Treasury on the 1st day of October, 1848, under existing laws,			$47,025 54

Auditor's Office,
Little Rock, Arkansas, 1st October. 1846.

(L)

A Statement of the kinds of Books purchased by the Auditor for the use of Common Schools, under " An act to appropriate the whole of the Common School Fund to the purchase of books for Common Schools," approved, 7th Jan., 1845, to which is added, "Sequel to Webster's Spelling Book," three hundred copies of which Messrs. Geo. T. Cooledge & Bro., of New York city, furnished without charge: also a statement of the price at which the Boards of School Commissioners are to dispose of the books as provided by law, being an advance of ten per cent, on the cost and transportation.

KINDS OF BOOKS, &c.	Selling-price of each book $	Cts.
United States Primer,		05
Webster's Spelling Book,		06 1-4
Goodrich's Reader, No. 1,		10
Goodrich's Reader, No. 2,		15
Goodrich's Reader, No. 3,		25
Willard's History of the United States,		30
Gallaudet's Dictionary,		30
Morses' Geography,		50
Davies' Arithmetic, first lessons, No. 1,		15
Davies' Arithmetic, No. 2,		25
Slates 7 by 11 inches; each to be sold for,		15
Slate pencils at 1-2 of a cent each, or per dozen,		06
Bullion's English Grammar, per copy,		15
Root's copies, for the whole series, No. 1, No. 2, No. 3, and No. 4,		30
Sequel to Webster's Spelling Book,		25

ELIAS N. CONWAY, *Auditor of Public Accounts, of the State of Arkansas.*

This suggestion the Auditor makes for the consideration of the Executive, and the Legislature, under the belief that if adopted, it will greatly promote the interest of the State in all cases in which it may become necessary to enforce collections by suits, in which cases only, should a commission for collection be allowed. Persons paying without being sued, as it is presumed a majority will, could pay the amounts due directly to the State Treasurer.

The notes belonging to the Internal Improvement fund, are not all due, but many of them are, and others will be, annually falling due.

The expenses of having debts so collected, would not be payable out of the ordinary revenue in the Treasury, but out of the funds collected by suits. This suggestion is made by the Auditor with due deference to the better judgment of the Executive, and the members of the Legislature, and is merely made for their consideration.

Statement marked [E] shows the amount of the county tax remaining *due* from the State, on the 1st of October, 1846, to each of the counties therein named, on account of forfeited lands sold and redeemed, amounting in the aggregate to **$1,536 03-100**; of which the sum of **$1,034 77-100** is in Arkansas Treasury Warrants, and **$10 14-100** in specie, remaining in the Treasury, and **$491 12-100** in Arkansas Bank paper, remaining *due* from the State.

Statement marked [F] shows the aggregate amount of county tax remaining in the State Treasury, on the 1st day of October, 1846, on account of county taxes, paid by non-residents at the State Treasury, on lands and town lots, to be **$4,611 32-100**, and shows the amount thereof, which belongs to each of the counties therein designated. This sum is composed of **$4,598 13-100**, in Arkansas Treasury Warrants, and **$13 19-100** in specie.

Statement marked [G] exhibits each species of property taxed for the year 1845, and [H] for the year 1846, (except in the counties of Benton, Jackson, and Yell, from which the tax Books for 1846, have not been received;) the value of property taxed in each county, and in the State, and the amount of taxes charged to sheriffs, as far as returns have been received from the Clerks.

The tables may contain slight errors, as some of the returns are complicated; but the time, labor and care, requisite and devoted to their preparation, it is believed, has been sufficient to render them clear of any errors of magnitude. There are now forty-eight counties in this State, and to add up, examine and adjust two tax Books of the taxable property in each county to form these tables, requires much time and labor.

The clerks of the several counties have generally been prompt in making their returns, and evinced a disposition to comply with the law in making them.

It is gratifying to be enabled to inform the Executive and Legislature, that the account of every sheriff in the State, for revenue of the year 1845, charged on the books of this office, at the time fixed for settlement, has been duly settled.

Statistical table [I] contains a statement of the aggregate value of each species of property taxed, and the total value of property taxed in the State, annually for nine years, commencing with the year 1838, and ending with the year 1846, and the amount of taxes charged thereon for each year as exhibited in this and former reports.

The rate of the State tax has remained during this whole period, at one eighth of one per pent, on the assessed value of taxable property.

Tabular statement [K] contains estimates of the probable expenditures and receipts under existing laws, for the two years ending with the 30th day of September, 1848.

These estimates include funds on hand, and Treasury Warrants unredeemed on the 1st day of October, 1846.

Since the act was passed, placing the Bank of the State of Arkansas in liquidation, the salaries of the officers of the Bank and its Branches have been paid out of the State Treasury, which has greatly augmented the expenditures. It is estimated that with the most rigid economy in all departments of the State Government, the receipts of the ordinary revenue into the Treasury, during the two years ending with the 30th day of September, 1848, and the funds on hand subject to ordinary expenses of the State, when deducted from the amount of Treasury Warrants unredeemed on the 1st day of October, 1846, and the anticipated expenditures, will leave a balance against the Treasury, on the 1st day of October, 1848, amounting to $47,025 54-100. To avoid this debt, legislative action will be necessary.

The *maximum* rate of county tax, is now fixed by Law, at one half of one per cent, and the rate of the State tax, at one eighth of one per cent on the assessed value of taxable property, making together five eights of one per cent.

If the amendments proposed to the Constitution at the last Session could be adopted, and suitable laws enacted by the General Assembly at the approaching session, to carry those amendments into effect, it is estimated that the expenses of the counties would be reduced at least one half; then the aggregate rate of the taxes might be reduced *one eighth* of *one per cent*, and an act passed to equalize the rates of the State and county taxes, fixing the *maximum* rate of the county tax at one fourth of one per cent; and the rate of the State tax at one fourth of one per cent on the assessed value of taxable property. In this manner it is estimated that ample revenue could be provided to meet the ordinary expenses of the State, including salaries of Bank Officers, and a State debt for ordinary expenses be avoided, and the *aggregate* rate of taxation upon the people be *reduced one eighth* of *one per cent.*

With regard to the State debt, on account of State bonds issued to, and sold by the Banks, the Auditor would refer to tables (G & H) in his report of the 1st October, 1844. Of the amount of State bonds, issued to, and sold by, the Bank of the State of Arkansas, as stated in table [G] seventeen of the five per cent, and three of the six per cent bonds, have been redeemed, cancelled and filed with the State Treasurer, under section two, of the appropriation act of 10th January, 1845. These bonds, and the interest then due upon them, amounted to $23,440 68-100, for which amount, dollar for dollar, notes of the Real Estate Bank of the State of Arkansas were exchanged; so that the State debt, on account of State Bonds, has been reduced within the last two years $23,440 68-100.

The sum of $4,786 41-100, principal and interest, which remained due the State from John Hutt, Esq., late Treasurer of the State of Arkansas, was fully settled by the conveyance of lots, one, two and three, in block thirty-eight, in the city of Little Rock, with the improvements thereon, to the State by deed acknowledged and filed for record on the 7th day of February, 1845, and recorded in the Recorder's Office of Pulaski County, in book Q, on pages 175, 176, 177 and 178.

This property was received in discharge of the debt, under a resolution of the General Assembly, approved 10th January, 1845; and by the resolution it is provided that the house and lots be a portion of the public property of the State, and "that they be used by the Executive of this State as an Executive mansion."

Under "an act to appropriate the whole of the Common School fund to the purchase of books for common Schools," approved January 7th, 1845, the Auditor, by himself or agent, was required to expend, in some Eastern city, $1,515 84-100, for school books for the Common Schools of this State, and to distribute the books, when obtained, to the boards of School Commissioners, in proportion to the Representation of each county in the House of Representatives.

On the 7th day of August, 1845, the Auditor appointed a skilful and trustworthy agent, Mr. Alexander Boileau, and under special instructions, respecting the kinds of books to be purchased, and the amount to be expended for books of each kind, empowered him to expend the $1,515 84-100, for school books in some Eastern city where they could be obtained on the best terms. Mr. Boileau performed this trust to the entire satisfaction of the Auditor; and a list of the kinds of books purchased will be found in the table marked [D] with the price (after adding ten per cent on the cost and transportation,) at which the boards of School Commissioners will have to dispose of each as provided by law.

In the list will be found "Sequel to Webster's Spelling Book." This is a new work, which the Auditor considers well adapted to the use of common schools; but as it was not purchased by the

Auditor, nor published when the other books were procured, the State is indebted to the liberality of Messrs Geo. T. Cooledge & Bro., Booksellers, of New York City, for three hundred copies of this work, for which they made no charge. The Auditor has apportioned these books to the boards of School Commissioners, for distribution in like manner as those purchased.

For the want of an appropriation out of which to pay for the distribution of these school books, the Auditor has not been enabled to distribute all of them; but has received receipts from the Clerks of twenty-two counties, for the books to which they were entitled. The funds expended for the purchase of these school books, arose from the Auditor's sales of lands which had been forfeited for taxes, and consisted of the amounts bid for the lands over the State and county taxes, and cost of advertising.

If the distribution of these school books should effect no other good, it may have a tendency to draw the attention of the people to the subject of education; and after action may produce more beneficial results.

I have the honor to be, very
respectfully, your ob't serv't,
ELIAS N. CONWAY, Auditor
of Public Accounts of the
State of Arkansas

TREASURER'S REPORT.

Treasurer's Office,
Little Rock, Arkansas, 1st Oct., A. D. 1846.

To His Excellency, Thomas S. Drew,
Governor of the State of Arkansas:

Sir—In compliance with law, I have the honor herewith to submit my report. Statement marked [A.] shows the amounts of the different appropriations: the amount paid from each, and the balances of appropriations unexpended on the 1st October, 1846, as far as payments have been made at the Treasury.

Statement marked [B.] shows the receipts into the State Treasury from all sources, and the kinds of funds received, during the two years ending with the 30th day of September, 1846: the amount of Treasury Warrants issued from the Office: the expenditures of the State through the State Treasury during the same period: and the balance remaining in the Treasury on the 1st day of Oct., 1846. And statement marked [C.] shows the amount of Treasury Warrants issued by the State Treasurer: the amount redeemed with specie and otherwise: the amount unredeemed 1st October, 1846, the amount in the State Treasury belonging to counties, and the amount outstanding, exclusive of the amount due counties.

All of which is very respectfully submitted by your
Obedient servant,
JARED C. MARTIN, *Treasurer*
of the State of Arkansas

[A.]

EXPENDITURES.

A TABULAR STATEMENT, exhibiting the amounts of appropriations made at the session of the General Assembly, held in November and December, 1844, *and January* 1845, *with the balances of former appropriations, reported as unexpended 30th September*, 1844, *and the amounts transferred or added thereto, under acts as hereinafter stated; and also the amounts of warrants paid under their appropriate heads, during the two years, ending with the 30th day of September*, 1846, *and the balance of each appropriation, unexpended at the expiration of that day.*

	FOR WHAT PURPOSES APPROPRIATED.	AMOUNTS OF APPROPRIATIONS.	AMOUNTS OF WARRANTS PAID.	BALANCES UNEXPENDED.	
1.	To pay members and officers of the General Assembly, by act of 10th January, 1845, in addition to balance unexpended 30th September, 1844,	$30,000 00	$25,986 25	$4,013 75	1
2.	To pay for printing and distributing the Acts and Journals, by act of 10th January, 1845, in addition to balance unexpended 30th September, 1844,	5,500 00	5,500 00		2
3.	To pay all contingent expenses of the Senate and House of Representatives including engrossing and enrolling bills and printing, by act of 10th January, 1845, and balance unexpended,	4,000 00	2,102 50	1,897 50	3
4.	To pay for fuel and stationery for the use of the General Assembly, by act of 10th January, 1845, in addition to balance unexpended 30th Sept., 1844,	1,077 50	258 25	819 25	4
5.	To pay for the completion of the State House in the City of Little Rock, the balance unexpended 30th September, 1844,	1,274 76	1,205 78	68 98	5
6.	To pay the salary of Commissioner of Public Buildings, by act of 10th January, 1845, including arrearages then due,	1,220 00	1,031 42	188 58	6
7.	To pay officers and contingent expenses of the Penitentiary, by act of 10th January, 1845, including arrearages then due,	5,500 00	5,500 00		7
8.	To pay all expenses and costs in the prosecutions of persons for making and circulating spurious gold and silver coin, and paper purporting to be of certain banks or corporations, unexpended 30th Sept. 1844,	1,063 85	164 50	899 35	8
9.	To pay salaries of the officers of the Bank of the State of Arkansas, and to pay "judgments that are, or may be, obtained against the Bank," by act 10th January, 1845, and balance unexpended,	28,818 93	18,896 41	9,922 52	9
10.	To pay locating agents for locating a portion of the 500,000 acres of land granted by U. S. to this State, appropriated by act of 10th Jannary, 1845,	3,500 00	2,354 42	1,145 58	10
11.	To pay commissioners and surveyor to mark out and define the northern boundary line of this State, balance unexpended 30th Sept. 1844, after deducting $1000 transferred, under act of 17th December, 1844, to contingent fund of said line	2,616 00	1,999 00	617 00	11
12.	To defray the expenses of assistants, and other incidental expenses in marking out the northern boundary line of this State, amount transferred from the fund to pay commissioners and surveyor by act of 17th *Dec.*, 1844.	1,000 00	1,000 00		12
13.	To pay the salary of the Governor by act of 10th January, 1845, in addition to balance unexpended 30th Sept., 1844,	5,100 00	4,619 57	480 43	13
14.	To pay contingent expenses of the Executive Department and Supreme Court, by act of 10th January, 1845, in addition to balance to pay Executive postage, and for bringing election returns, unexpended,	6,440 55	6,328 70	111 85	14
15.	To pay the salary of the State Land Agent in specie out of the internal improvement fund accruing from the sales of the 500,000 acre lands, and when paid by the State Treasury to be reimbursed in the kinds of funds paid, by acts of 20th Dec., 1844, and 10th January, 1845, in addition to the balance unexpended 30th Sept., 1844, to pay salary of Governor's private Secretary and Land Agent,	1,482 19	1,244 52	237 67	15
16.	To pay the salary of the Adjutant General by act of 10th January, 1845, in addition to balance unexpended 30th September, 1844, in addition to which the sum of $81 76 has been drawn and is added, under act of 29th Nov., 1842,	258 35	258 35		16
17.	To pay salaries of the Judges of the Supreme Court, by act of 10th January, 1845, in addition to the balance unexpended 30th Sept., 1844,	15,265 00	12,158 92	3,106 08	17
18.	To pay the salary of the Reporter of the decisions of the Supreme Court, by act of 10th January, 1845, in addition to balance unexpended 30th Sept., 1844,	517 12	440 54	76 58	18
19.	To pay for printing, stitching, and covering with strong paper and distributing the decisions of the Supreme Court, by act of 10th January, 1845,	2,500 00	2,500 00		19
20.	To pay Special Judges of the Supreme Court, the balance unexpended 30th Sept., 1844,	1,200 00	600 00	600 00	20
21.	To pay salaries of the Judges of the Circuit Court, by act of 10th January, 1845, in addition to balance unexpended 30th Sept., 1844,	22,491 07	19,660 03	2,831 04	21
22.	To pay Special Judges of the Circuit Court, by act of 28th Nov., 1844, in addition to the balance unexpended 30th Sept., 1844,	3,300 00	3,300 00		22
23	To pay salaries of Prosecuting Attorneys, by act of 10th January, 1845, in addition to the balance unexpended 30th Sept., 1844,	7,852 99	4,671 42	3,181 57	23
24.	To pay salaries of Secretary of State, Auditor and Treasurer, by act of 10th January, 1845, and up to that time the amounts appropriated by acts of 2d and 3d Feb, 1843, and also the amount appropriated by act of 9th January, 1845, to the Secretary of State for clerk hire in his office up to, and including, 30th Sept., 1846, all in addition to balance unexpended 30th Sept. 1844,	7,689 98	5,955 34	1,734 64	24
25.	To pay clerk hire in the Auditor's office, by act of 10th Jan., 1845, in addition to balance unexpended 30th Sept., 1844,	2,783 66	2,074 48	709 18	25
26.	To pay for advertising lands for sale for taxes, by act of 10th Jan., 1845, in addition to balance unexpended 30th Sept., 1844,	723 50	384 00	339 50	26
27.	To pay Registers of Land Offices and Auditor for lists of lands, the balance unexpended 30th Sept., 1844,	538 71	371 74	166 97	27
28.	To pay warrants drawn to refund money under acts of 26th Dec., 1840, and 14th Jan., 1843, a "sufficient sum" appropriated by those acts,	145 32	145 32		28
29.	To pay special appropriations, as per acts of 10th and 30th Dec., 1844, and 3d, 7th, and 10th January, 1845,	2,454 28	2,454 28		29
30.	To pay Electors of President and Vice President of the U. S., by act of 12th Dec., 1844, in addition to the balance unexpended 30th Sept., 1844,	116 39	90 00	26 39	30
31.	To pay the funeral expenses of the Hon. M. W. Baltimore, by act of 10th January, 1845,	129 75	122 25	7 50	31
32.	To pay the funeral expenses of the Hon. John Clark, by act of 10th January, 1845,	200 00	143 37	56 63	32
33.	To pay for school books for the common schools of this State, the whole of the common school fund, deposited in the State Bank, appropriated by act of 7th January, 1845, and to be expended by Auditor for school books,	1,515 84	1,515 84		33
34.	To pay for school books for the common schools of this State, appropriated by act of 9th January 1845, and to be placed, by the financial receiver of the Bank of the State of Arkansas, at Little Rock, to the credit of the State Treasurer in specie, but the whole of the common school fund having been appropriated and withdrawn from the Bank under act of 7th January, 1845, on the 8th January, 1845, no funds remained out of which the appropriation could be paid,	1,000 00		1,000 00	34
35.	To pay for sinking a salt well in Van Buren county, by act of 8th January, 1845,	300 00		300 00	35
36.	To pay special appropriations, by act of 3d Feb., 1843, unexpended 30th Sept. 1844,	550 00		550 00	36
37.	To pay Sheriffs' fees and other contingent expenses of calling out militia, under act of 3d March, 1838, unexpended 30th Sept., 1844,	2,000 00		2,000 00	37
38.	To pay expenses of calling out militia, under act of 3d March, 1838, unexpended 30th Sept., 1844,	12,000 00		12,000 00	38
39.	To amount appropriated by act of 3d March, 1838, to carry into effect 11th section of said act to sustain the sovereignty of the State, unexpended 30th September, 1844,	50,000 00		50,000 00	39
40.	To pay for recording and arranging in township order, abstracts of taxable lands, balance unexpended 30th September, 1844,	659 98		659 98	40
41.	To pay for laws of the U. S., purchased, and other books which shall be purchased, in compliance with law, for the State library, by act of 3d Feb., 1843, unexpended 30th September, 1844,	300 00		300 00	41
	Total,	$235,085 72	$135,037 20	$100,048 52	

TREASURER'S OFFICE,
Little Rock, Ark's., 1st *Oct.*, 1846.

JARED C. MARTIN, *Treasurer*
of the State of Arkansas.

[B.]

RECEIPTS, &C.

A TABULAR STATEMENT *showing the receipts into the State Treasury from all sources, and the kinds of funds received, during the two years endng with the* 30th *day of September,* 1846; *the amount of Treasury Warrants issued from this Office; the expenditures of the State through the State Treasury during the same period, and the balance remaining in the Treasury on the* 1st *day of October,* 1846.

TIME PAID IN.	Cash paid by Collectors.			Surplus revenue withdrawn from the State Bank.		State tax paid for redemption and purchase of lands forfeited for taxes.			State tax paid at State treasury by non-residents.		Common school fund withdrawn from State Bank in specie.	Paid by State Bank under act for relief of Jas. B. Jackson, approved 30th December, 1844,—in specie.	Reimbursed to State Treasury by State Bank under sec. 1, of appropriation act of the 10th January, 1845,—in Arkansas Bank paper.	Reimbursed to State Treasury by Internal Improvement fund under sec. 1, of appropriation act of the 10th January, 1845,—in specie.	Reimbursed to State Treasury by Internal Improvement fund under sec. 15, of appropriation act of 10th Jan., 1845, for salary of land agent.		Treasury warrants issued by Treasurer to redeem Auditor's warrants.	Total amount paid into the State treasury for State revenue, including treasury warrants issued.	County tax paid for redemption and purchase of lands forfeited for taxes.			County tax paid at the State Treasury by non-residents.		Escheat in Phillips county under sec. 35, of school law,—in specie.	Escheat in Pulaski county under sec. 35, of school law.	Common school fund under section 135, of revenue law,—in Arkansas Bank paper.	Total amount paid into the State Treasury, from all sources, including Treasury warrants issued by State Treasurer.
	In specie.	In Arkansas Treasury warrants.	In Arkansas Bank paper.	In Arkansas Bank paper.	In specie.	In specie.	In Arkansas Treasury warrants.	In Arkansas Bank paper.	In specie.	In Arkansas Treasury warrants.					In Ark's trea. war's.	In Specie.			In Ark's bank paper.	In Ark's Treas. warrants.	In Specie.	In Ark's Treas. warrants.	In Specie.				
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.
4th Quarter of 1844,			19,607 05	6,018 35	1,048 00			442 93				200 00						27,316 33	799 50								28,115 83
1st Quarter of 1845,			2,116 73		32,732 91			419 10			1,515 84			407 58			8,470 97	45,663 13	322 18								45,985 31
2nd Quarter of 1845,	3 96		884 56				6 20		62	231 29							13,303 21	14,429 84		3 10		760 71					15,193 65
3rd Quarter of 1845,			311 39				108 56		16 56	1,117 13							16,226 97	17,780 61		334 01		2,236 25	17 99				20,368 86
4th Quarter of 1845,	7,014 75	17,092 96	277 75			3 46	166 50			14 93				942 17			8,859 98	34,372 50		191 49	6 85	32 28		21 66			34,624 78
1st Quarter of 1846,							370 48							724 56			9,165 59	10,260 63		216 06	3 29						10,479 98
2nd Quarter of 1846,							170 19			386 45				1,695 13			7,619 71	9,871 48		254 53		1,217 67					11,343 68
3rd Quarter of 1846,			84 73				84 96			642 54			3,150 00	358 20	750 00	12 33	5,687 03	10,769 79		99 38		1,595 94					12,465 11
	7,018 71	17,092 96	23,282 21	6,018 35	33,780 91	3 46	906 89	862 03	17 18	2,392 34	1,515 84	200 00	3,150 00	4,127 64	750 00	12 33	69,333 46	170,464 31	1121 68	1,098 57	10 14	5,842 85	17 99	21 66			178,577 26
Balances due from the State to the funds indicated, but not actually in the Treasury on the 1st October, 1844,																			1,320 63						33 54	124 00	1,478 17
																											$180,055 37

EXPENDITURES.

WHEN EXPENDED.	Amount of Auditor's warrants issued during the two years ending with 30th September, 1846.	Auditor's warrants redeemed by the State Treasurer.			Total amount of Auditor's warrants redeemed.	Amount of Auditor's warrants outstanding 1st Oct., 1846, of which $1,250 were issued before, and $2500 were issued since 1st Oct., 1844.	Drafts of county Treasurers paid on account of forfeited lands redeemed and sold.		County tax refunded without warrants,—in Arkansas Bank paper.	Total amount of county tax paid in on account of forfeited lands redeemed and sold.	Drafts of county Treasurers paid on account of taxes paid by non-residents.		Arkansas treasury warrants redeemed in specie.	Amount of scrip redeemed, of which $0,99 is interest.	Total amount paid out.	Add amount of State revenue not paid out, but absorbed by the receipt of Treasury warrants for State revenue.	Add amounts due from the State, but not in the Treasury on 1st October, 1844, to counties, $1,320 63, and for escheats in Pulaski Co., $33 54, and for common school fund, $124 00.	Total amount.	
		In Ark's bank paper.	In Specie.	In Ark's Trea. Warrants.			In Ark's bank paper.	Ark's Trea. Warrants.			In Ark's Trea. Warrants	In Specie.							
	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	D. C.	
4th Quarter of 1844,	20,050 45	10,716 47	1,248 00		11,964 47		15 23			15 23					11,979 70		1,478 17	13,457 87	
1st Quarter of 1845,	48,975 56	*13,411 52	*28,275 43	8,470 97	50,157 92	Warrants outstanding three thousand seven hundred & fifty dollars.	572 07		6 48	578 55			150 00	2 99	50,889 46			50,889 46	
2nd Quarter of 1845,	14,653 94	5,432 20	105 00	13,303 21	18,840 41		728 37			728 37					19,568 78	237 49		19,806 27	
3rd Quarter of 1845,	20,479 78	100 66	1,515 84	16,226 97	17,843 47										17,843 47	1,225 69		19,069 16	
4th Quarter of 1845.	8,859 98	1,656 16		8,859 98	10,516 14		72 94			72 94			6,287 71		16,876 79	17,274 39		34,151 18	
1st Quarter of 1846,	9,176 84			9,165 59	9,165 59		349 83			349 83			1,695 87		11,211 29	370 48		11,581 77	
2nd Quarter of 1846,	7,700 92	92 46		7,619 71	7,712 17		140 70	55 74		196 44	336 70		1,590 50		9,835 81	556 64		10,392 45	
3rd Quarter of 1846,	5,687 03	3,150 00		5,687 03	8,837 03		65 57	8 06		73 63	908 02	4 80	685 93		10,509 41	1,477 50		11,986 91	
	$135,584 50	*$34,559 47	*$31,144 27	69,333 46			1,944 71	63 80	6 48										
					$135,037 20					$2,014 99	1,244 72	4 80	10,410 01	2 99	148,714 71	21,142 19	1,478 17	171,335 07	$171,335 07

Balance in the Treasury 1st of October 1846, composed of $5,632 90 Treasury warrants due to counties; $2,449 29, Arkansas Bank paper; and $638 11 specie, of which specie $44 99 is due to counties and Phillips county School Commissioners, $8,720 30

☞For further illustration of this table, (B) see table marked C.

*Note.—Under sec. 5 of the Appropriation Act 10th January, 1845, the sum of $4,528 67 in specie, was paid out by the State Treasurer in January, 1845, in exchange for the same amount of Arkansas Bank paper, which had been previously paid to redeem warrants drawn by the Auditor, therefore $4,528 67 should be deducted from the aggregate amount of Arkansas Bank paper paid to redeem Auditor's warrants, and ADDED to the aggregate amount of specie paid to redeem Auditor's warrants

TREASURER'S OFFICE,
Little Rock, Arkansas, 1st *October,* 1846.

JARED C. MARTIN, *Treasurer*
of the State of Arkansas.

(C.)

A STATEMENT showing the total amount of Treasury Warrants issued by the State Treasurer: the amount redeemed with Specie and otherwise: the amount unredeemed 1st *October*, 1846: *the amount in the State Treasury belonging to counties, and the amount outstanding, exclusive of the amount due counties.*

	Amount Treasury Warrants redeemed.	Total amount of Treasury Warrants Issued.
Total amount of Treasury Warrants Issued, - - - - - - - - - - -		$69,333 46
[Treasury Warrants Redeemed.]		
Treasury Warrants redeemed with Specie, - - - - - - - - - - -	$10,410 01	
Paid for State tax by Collectors, - - - - - - - - - - - -	17,092 96	
State tax paid for redemption and purchase of forfeited lands, - - - - - -	906 89	
Paid by non-residents for State tax on lands and town lots, - - - - - - - -	2,392 34	
Paid by Internal Improvement fund under Sec. 15 of appropriation Act of 10th Jan'y. 1845, to re-imburse the State Treasury in same kind of funds paid by the State Treasury for salary of Land Agent. - - - - - - - - - - - -	750 00	31,552 20
Leaving Treasury Warrants unredeemed, - - - - - - - - - - - -		37,781 26
Of this amount there remains in the State Treasury and belonging to counties for county tax paid into the State Treasury for redemption and purchase of lands and town lots forfeited for taxes. - - - - - - - - - - - -	1,034 77	
County taxes paid by non-residents on lands and town lots, - - - - - - - -	4,598 13	5,632 90
Leaving outstanding 1st October, A. D., 1846, - - - - - - - - -		32,148 36
Exclusive of the $5,632 90-100, belonging to counties as above shown.		

Treasurer's Office,
Little Rock, Ark's., October 1*st, A. D.* 1843.

JARED C. MARTIN, *Treasurer*
of the State of Arkansas.

REPORT

OF THE LAND AGENT OF THE STATE OF ARKANSAS.

STATE LAND OFFICE,
Little Rock, November 1, 1846.

To His Excellency, Thomas S. Drew, Governor of Arkansas:

SIR:—I have the honor to submit to your Excellency the annexed statements exhibiting the condition of the 500,000 acres granted to this State for purposes of internal improvement.

It will be seen that the location of the grant has been completed, with the exception of reservations under acts of the General Assembly, approved the 2d February, 1843, and 9th January, 1845.

The following table will show the number of acres confirmed to the State by the secretary of the treasury, and in what counties; also, what has been selected, and from the want of plats or recent date of the selections, not yet confirmed.

In what County Located.	*Number of Acres Confirmed.*	*Number of Acres Unconfirmed.*
Lafayette,	46,488	
Sevier,	13,674	
Clark,	320	
Jackson,	15,615	
Desha,	24,875	640
Jefferson,	22,992	1,260
Pulaski,	24,986	920
Crawford,	1,047	320
Benton,	7,360	
Independence,	2,535	
Washington,	640	
Arkansas,	320	640
Bradley,	2,780	1,280
White,	4,655	4,660
Dallas,	77,964	
Ouachita,	65,481	2,920
Yell,	7,884	1,460
Franklin,	960	
Pope,	2,560	
Scott,	9,673	
Union,	38,779	3,214
Pike,	320	
Clark,	1,230	
Montgomery,	400	
Conway,	2,573	
St. Francis,	4,236	
Izard,	320	
Chicot,	52,496	
Crittenden,	24,684	
Mississippi,	1,600	18,348
Total,	458,447	35,982

A STATEMENT of the amount of notes received by the Governor, and filed with the Treasurer, for sales of a portion of the 500,000 *Acres of Land donated to the State of Arkansas, for purposes of Internal Improvement.*

Under what Act sold.	Price per Acre.	Amount of Notes.
December 31st, 1842,	2 Dollars.	$134,515 21
January 27th, 1843,	4 "	2,780 60
February 4th, 1843,	5 "	1,302 61
Amount of notes received, - - - - - - - - - -		$138,606 42

In the above statement, notes to the amount of 47,640 dollars, are not included, which were deposited in this office by locating agents, under applications for land in the counties of Chicot and Desha. The lands applied for in that District were not confirmed at the time of purchase, and under the instructions of the Commissioner of the General Land Office, the State could not, without risk, execute the usual bond for a title. In consequence of this failure on the part of the State, the applicants have in many instances, refused to complete their contracts under the Act of 31st December, 1842, fixing the price at two dollars per acre. As a matter of justice to all so situated, I would respectfully suggest that some action be taken by the General Assembly, which would substitute, for such notes, the right of purchase in accordance with the land law now in force.

I would also suggest, where notes have been filed with the Treasurer of the State upon applications for the purchase of land, the confirmation of which has been refused by the Sec'y. of the Treasury, that some officer of the State be authorized to cancel such notes, or return them to the drawer.

STATEMENT of the amount of notes received by the Land Agent for sales of land under the act of 20th December, 1844.

	Price per acre.	Am't. of notes.	
From claimants by right of pre-emption, - - -	$1 25	$20,257 54	
From Public Sales, 5th Jan., 1846,	1 26	27,449 00	
From Sales at "Private Entries,"	1 25	23,536 15	
		71,242 69	
Amount received upon the above notes - - -		770 59	
Amount for Sales of Land, Where notes were not given,		604 55	
			1375 14
Amount paid State Treasurer per receipts No. 1, 2 and 3, - -		1120 53	
Amount paid Governor's drafts under a resolution of the 9th day of January, 1845, for making necessary plats for this office and other contingent expenses, as per vouchers, 4, 5, 6, 7, 8 and 9,		254 61	
			1375 14

No Sale of Seminary land has been made since they were placed under the control of the Land Agent, it having been deemed impolitic while so large a portion of the donation of 500,000 acres remained unsold.

Very respectfully,
Your obedient servant,
L. J. REARDON, Land Agent
for the State of Arkansas.

State Land Office,
Little Rock, October 24th, 1846.

Dear Sir—In compliance with the request contained in your note of the 23d, I have the honor to submit the following:

1st.	The number of acres located is believed to embrace the whole amount of the grant of 500,000 acres; exclusive of reservations by law, &c.		500,000
2d.	There has been confirmed,	458,447	
3d.	The unconfirmed portion is as follows:		
	In the Helena District,	18,840	
	Johnson C. H.	320	
	Do. (suspended)	1,460	
	Champagnole,	1,280	
	Do. (under recent applications,)	4,320	
	Little Rock,	9,294	
			493,964
	The causes of delay in confirmation are chiefly because the Department at Washington are yet unfurnished with plats, or on account of the recent date of the locations.		
4th.	The amount of sales for notes under the Act of 31st Dec. 1842,	134,515 21	
	The amount under the Act of 27th January, 1843,	2,788 60	
	The amount under the Act of 4th Feb. 1843,	1,302 60	
			138,606 41
	Deduct from this amount of notes received for rejected locations.		
	Of this amount the Treasurer states he has received prin. and interest,	$3,769 44	
	The amount due on the balance is not less, principal and interest, than		
5th.	Under the Act of 20th Dec. 1844,		
	Sales under pre-emptions were,	20,257 54	
	Do. by public auction	27,449	
	Do. by private entry,	23,536	
	Total amount of sales,		71,242 54
	Upon which has been received,		1,375 14
	Leaving a balance of notes in my hands, amounting to		69,877 30
	The amount due, principal and interest, to 1st October last, is	7,321 64	

6th. The number of acres sold are,	124,724 acres.
The number of applications for locations, most of which have been confirmed, and of which sale can be immediately made to amount to	38,467 00

The amount of money due for notes received since I have been in office, is so small that I imagine most of it will be paid in the next 18 months, say at least one half.

Very respectfully,
L. J. REARDON.

RECEIVER'S REPORT.

Receiver's Office State Bank,
Little Rock, Oct. 1, 1846.

To His Excellency,
Thos. S. Drew,
Governor of the State of Arkansas:

Sir—I have the honor of transmitting herewith a full statement (marked A.) of all monies placed in my hands by the former Receivers, or transmitted by the Branches; also those collected at the principal bank since the 6th April, 1845; showing also the amount of moneys paid out and on what account, and the amount and kind now on hand.

Also, statement (marked B.) giving a condensed view of the cash and other assets now on hand, as compared with the amount and kind of assets turned over by the former Receivers.

No particular *statement* has been prepared in relation to the amount of bank notes in circulation, or the amount and condition of the outstanding State bonds; but by reference to the exhibits here presented, and to the *statement* made by the Receivers of this Bank to the last Legislature in relation to these subjects, it will be seen that $188,442 50 of the issues of this Bank and Branches, remains unburned; from which amount deduct $54,580 00 now on hand and ready to burn, and it will leave $133,862 50 in actual circulation. Of the State bonds issued for this Bank, $1,147 remain unredeemed, upon which the interest due and unpaid on the 30th September, 1846, amounted to about $343,556 00.

When the present Receiver of this Bank came into office, he found that every dollar of her *specie* means had been exhausted, and in consequence of which, he has had no little difficulty in meeting the demands on the Bank. In some instances, the property of the Bank has been sold under execution at a sacrifice, for the want of means to protect it; and in others, the Receiver has been compelled to resort to the sale of real estate bank paper at the current price in the market to provide specie means with which to redeem her real estate, and meet incidental expenses, court fees, &c.

In April, 1845, the General Government obtained judgment against this Bank for $5,520 00; an execution from which has been run upon her property, and sales made at a great loss to the bank. But an order has been obtained from the Solicitor of the Treasury to suspend proceedings against the bank until the meeting of the Legislature, with the calculation, that provision will be made for the payment of this debt. Other judgments to a large amount have been obtained against the bank, and although an appropriation of funds in the State Treasury was made by the last legislature to pay these judgments, yet I am not aware that any party has been prevailed upon to apply to, and rely upon the Treasury for the payment of his judgment.

Although it is the intention of the Receiver, in his report to the Legislature, to present these subjects for the consideration and action of that body, yet he has thought it proper to place the facts before the Executive now, with the hope that he may be induced to make such suggestions to the Legislature, in reference to them, as may aid in procuring some ample provision, *and the adoption of a more liberal policy* for the final liquidation of the affairs of this Bank.

Recent information from the branches induces the belief, that in a few days I shall receive their general exhibits; and the information contained in which, when received, will be transmitted to the Executive without delay.

Any information in the possession of the Receiver, in relation to the condition of this Bank, not furnished in the statements here presented, that may be desired by the Executive, or deemed necessary to be presented to the Legislature, will be furnished with the greatest pleasure.

Very respectfully, your ob't servant,

A. E. THORNTON,
Financial Receiver.

[A]

General exhibit of the cash assets of the principal Bank of the State of Arkansas at Little Rock, to the 30th of September, Anno Domini, 1846.

Dr.

To amount notes of the State Bank and branches, cancelled and burned since 6th April, 1845,	$20,695 00	
To amount, &c., paid J. C. Martin, State Treasurer, under appropriation act of 10th January, 1845,	3,150 00	
To amount, &c,, deposit withdrawn by Benj. Johnson,	200 00	
		$24,045 00
Amount notes of the Real Estate Bank and Branches exchanged for State bonds, and cancelled with Treasurer,	$22,247 50	
Amount paid out for incidental expenses,	416 57	
do do accounts at law,	155 88	
do do Internal Improvement Fund,	549 76	
do do Real Estate, redemption, &c.,	2,907 79	
do do Northern boundary line to D. Thompson, as per dft. Governor,	200 00	
Amonnt paid out for deposit withdrawn by Benj. Johnson,	214 65	
		$26,692 15
Amount oi surplus revenue paid out for the use of the Penitentiary, as per dft. Gov. Drew,		1,805 40
Amount of one State bond cancelled,		1,193 18
Amount of specie paid out for insurance of Anthony House,	125 00	
do do do incidental expenses,	36 79	
do do do accounis at law, &c.,	73 00	
		$234 79
Amount cash on hand, viz :		
In notes of the State Bank and Branches, ready to burn,	54,580 00	
do. surplus revenue,	6,379 60	
do. Branch paper to pay deposits,	126 20	
do. uncurrent money,	1,125 23	
do. Specie and Tennessee paper,	378 46	
do. two State bonds, principal and interest,	2,441 67	
do. Real Estate Bank paper,	174,201 76	
		$239,232 92
		$293,203 44

[A]

General exhibit of the cash assets of the principal Bank of the State of Arkansas at Little Rock, to the 30th September, 1846.

Cr.

By cash turned over by former Receivers, as per inventory and receipt 25th April, 1845, viz:			
In notes of the State Bank and Branches, to burn,		54,460 00	
do do Real Estate Bank,		148,739 72	
Branch Bank notes to pay special deposits,		126 20	
do do do surplus revenue,		8,185 00	
Uncurrent money,		1,125 23	
			$212,636 15
Amount of cash received at the principal Bank since the 6th of April, 1845, viz:			
In notes of the State Bank and Branches as per report, 6th August, 1845,	$4,275 00		
In notes, &c., as pr. rep. 6th Dec. '45,	315 "		
do do do 6th April, '46,	1,775 "		
do since and up to Sep. 30,	4,370 "		
		$10,735 00	
Notes of the Real Estate Bank, as per report, 6th August, '45,	7,603 88		
Notes, &c., 6th December, '45,	8,907 73		
do do 6th April, '46,	11,840 46		
do since and up to Sep. 30,	14,899 51		
		$43,251 58	
Three State bonds, principal and interest,		3,634 85	
Tennessee Bank paper and specie to pay insurance,		413 25	
			$58,034 68
Amount assets of the Branch Banks transmitted since the 6th April, 1845, as reports to Treasurer, viz:			
From Arkansas, in notes of the State Bank and branches,		4,820 00	
do do do Real Estate,		2,565 00	
			$7,385 00
From Batesville, in notes of the State Bank and Branches,		6,105 00	
do Real Estate, do		2,540 58	
do Specie,		200 00	
			$8,845 58
From Fayetteville, in notes of the State Bank and Branches,		2,505 00	
do Real Estate do		3,797 03	
			$6,302 03
			$293,203 44

RECEIVER'S OFFICE STATE BANK,
Little Rock, Sep. 30, 1846,

A. E. THORNTON,
Financial Receiver,

[B]

General exhibit of the assets of the principal Bank of the State of Arkansas at Little Rock, to 30th September, 1846.

Dr.

To individual balances, being amount standing to the credit of individuals, on the 6th of April, 1845, as per inventory of former Receivers,		$23,682 05
Amount cash paid out, and bank notes cancelled, as per exhibit A., viz:		
In notes of the State Bank and Branches.	$24,045 00	
do do Real Estate Bank do	26,692 15	
do do Specie,	234 79	
do do Surplus revenue fund,	1,805 40	
do In one State bond cancelled,	1,193 18	
		$53,970 52
Amount of bills and notes, being amount on hand, subject to settlement of individual balances,	$504,383 84	
Ditto, paid out for real estate and incidental expenses,	1,498 08	
		$505,881 92
To amount cash on hand as per exhibit A., viz:		
In Branch Bank notes, ready to burn,	54,580 00	
do do to pay surplus revenue,	6,379 60	
do do to pay certificate of deposit,	126 20	
do Uncurrent money,	1,125 23	
do In specie and Tennessee paper,	378 46	
do Real Estate Bank paper,	174,201 76	
do Two State bonds,	2,441 67	
		$239,232 92
		$822,767 41

General exhibit of the assets of the Principal Bank of the State of Arkansas at Little Rock, to the 30th September, 1846.

Cr.

By balances now standing to the credit of individuals, being payment in part of notes in suit, &c., or renewal,		$36,012 92
By real estate, being amount of payments made for purchase, redemption, repairs, &c.,		$4,405 87
By amount of assets of the principal Bank, turned over by former Receivers, as per inventory and receipt of the 25th. of *April*, 1845, viz:		
In bills and notes,	$523,374 60	
In cash,	212,636 15	
		$736,010 75
By assets of the Branch at *Arkansas*, transmitted since the 6th of *April*, 1845, viz:		
In cash, as per exhibit *A.*,		$7,385 00
By assets of the Branch at Batesville, transmitted since the 6th of *April*, 1845, viz:		
In cash,	$8,845 58	
do received at the principal Bank,	1,630 90	
		$10,476 48
By assets of the Branch at Fayetteville, transmitted since the 6th of *April*, 1845, viz:		
In cash,	$6,302 03	
do received at the principal Bank,	509 00	
In bills and notes, as per Discount book B., Fol. 52,	2,046 00	
		$8,857 03
In interest account, realized as per Ledger,		19,619 36
		$822,767 41

Receiver's Office, State Bank,
Little Rock, Sept. 30, 1846.

A. E. THORNTON,
Financial Receiver.

RECEIVER'S OFFICE, STATE BANK,
Little Rock, 24*th Oct.* 1846.

To his Excellency,
T. S. DREW,
Governor of the State of Arkansas:

SIR—Accompanying this is a statement, hastily drawn, showing the amount of assets and liabilities of this Bank and Branches, taken from reports from Little Rock, Fayetteville, and Batesville, up to the 1st Oct., and from Arkansas to 15th Oct., 1846.

It is not pretended that in every particular it is correct, though it is believed to be as nearly so, as can be made from the information in possession of this office. The item of $92,193 24, interest on bills and notes in suit, &c., could only be made up from a calculation of average amount and time. I supposed one half of the notes to be in suit, running two years at 8 per cent. interest. The $30,000 for judgments against the Bank is supposed to be full large, not having been made up from any precise information at hand.

The item of $118,212 50 for bank notes in circulation is correct, and is made to vary from every former report, by deducting the $19,650 00, since reported by the Branches to be on bonds with them.

The item of $98,064 86 for real estate, embraces the original cost, and expenditures for repairs, &c., for the banking houses at Little Rock, Arkansas, and Fayetteville, together with all the lands bought at these offices, including $2,500 00 for land bought at Batesville. Most of this real estate has been sold under some of the judgments to which I have referred, ($30,000) but it is understood that most, if not all, of it can be redeemed by the Bank, by the payment of these judgments.

I have the honor to be,
Most respectfully, your ob't serv't,
A. E. THORNTON,
Financial Receiver.

Statement of the assets and liabilities of the Bank of the State of Arkansas and Branches, on the 24th Oct., 1846.

Dr.

To bills and notes, including those in suit, and judgments, viz:			
At principal Bank at Little Rock, subject to settlement of individual balances, as per Rep't, 1st Oct., '46,		$504,383 84	
At Fayetteville Branch, as per Rep't 1st Oct, 1846,		258,105 68	
At Arkansas Branch, as per Rep't 15th Oct., 1846,		197,941 18	
At Batesville Branch, as per report 1st Oct., 1846,		216,984 92	
Interest on bills and notes in suit and laying over, say		92,193 24	$1,269,608 86
To cash, and cash means, viz:			
Real Estate Bank paper, at Little Rock,	$174,201 76		
Real Estate Bank paper, at Fayetteville,	3,190 00		
Real Estate Bank paper, at Arkansas.	1,321 66		
R. E. Bank paper, at Batesville,	537 32	$179,250 74	
Specie, at Little Rock,	275 46		
" " Fayetteville,	125 97		
" " Batesville,	63 60	$565 03	
State bonds, not described at Arkansas Branch,	11,367 90		
" at Fayetteville,	2,618 66	$13,986 56	
Branch State Bank for surplus revenue at Little Rock,	6,379 60		
Br. State Bank for deposit, at Little Rock,	126 20		
Uncurrent money, at L. Rock	1,125 23	$7,625 03	
Change tickets at Fayetteville,	1,410 00		
Deposited for " at Little Rock,	2,858 00	$4,268 00	$205,695 36
To Real Estate, not including Bank houses at Batesville, viz:			
At Little Rock Bank	32,131 81		
" Fayetteville Branch	42,405 76		
" Arkansas, "	21,021 29		
" Batesville "	2,500 00		98,094 86
To Bal. wanting to meet liabiliaties,			110,257 14
			$1,683,626 22

Statement of the assets and liabilities of the Bank of the State of Arkansas and Branches, on the 24th Oct., 1846.

Cr.

By amount of individual balances at Little Rock Bank, as per Report 1st Oct., 1846, being payments in part for renewal, but no new note being furnished, they now stand to credit individuals.		$36,012 92
By State Bonds outstanding, 1,147 at $1,000 each,	$1,147,000 00	
Interest on the same to 1st Oct. 1846	345,895 00	1,492,895 00
By Bank notes in circulation, being issues of the Principal Bank and Branches unredeemed, as per Report of 1st Oct., 1846, (except Arkansas to 15th Oct., '46),		118,212 50
Certificate of deposite at Pr. Bank, outstanding,	126 20	
Surplus revenue acct., being am't reserved to pay	6,379 60	6,505 80
Amount of judgments against the principal Bank and Branches, including some claims now in suit, say about		30,000 00
		$1,683,626 22

OFFICE OF THE TRUSTEES OF THE R. E. BANK,
Little Rock, 23*d Oct*., 1846.

His Excellency,
THOMAS S. DREW, Governor:

SIR—In compliance with your request of yesterday's date, I furnish you the information desired.

The 500 bonds hypothecated by the Agents of the Real Estate Bank, with the N. A. Trust and Banking Company, N. Y., are the bonds which were issued by Gov. Conway under the provisions of the act of the General Assembly, entitled "An act to authorize the stockholders of the Real Estate Bank of the State of Arkansas to establish a branch in the western part of this State," approved 24th February, 1838. I herewith furnish you a copy of the certificate of the President of the bank, upon which the Governor issued the bonds in question, the original of which ought to be on file in the Executive department. These bonds are dated 1*st January*, 1840, but were actually executed and delivered to the bank 10th March, 1840; they are numbered from 1 to 500 inclusive letter C., and like all the Real Estate Bank bonds, bear 6 per cent. interest. They were hypothecated 7th September, 1840, for a loan of $250,000, but the whole amount ever paid on them was $121,336 59-100. None of them have been redeemed by the Bank.

Of the other bonds issued for, and sold by, the Real Estate Bank, the following have been redeemed and taken up: 29 bonds of $1,000 each, letter C., dated 1st July, 1838, being part of those sold originally to Joseph D. Beers.

The whole number of bonds ever put into market or sold by the Real Estate Bank, are as follows, :-

To the U. S. Treasury Department 500 bonds of $1,000 each, dated 1st July, 1838, letter A, numbered 1 to 500 inclusive, signed by Sam C. Roane, Governor, William E. Woodruff, Treasurer,	$500,000 00
To Joseph D. Beers, 1,000 bonds of $1,000 each, dated 1st July, 1838, letter C, numbered 1 to 1,000 inclusive, signed by Sam C. Roane, Governor, William E. Woodruff, Treasurer,	100,000 00
To Richard M. Johnson, 30 bonds of $1,000 each, dated 1st Jan., 1838, but not actually executed and delivered, to the bank, until 19th November, 1839, letter A. numbered from 105 to 130 inclusive, signed by James S. Conway, Governor, John Hutt, Treasurer,	30,000 00
	$1,530,000 00

Hypothecated to N. Y. Tr. & Banking Conpany, 500 bonds of $1,000 each, dated 1st Jan., 1840, but actually executed and delivered to the Bank 10th March, 1840, letter C, numbered 1 to 500 inclusive, signed by J. S. Conway, Governer, John Hutt, Treasurer,	500,000 00
	$2,030,000 00

The interest on the above 1,530 bonds was regularly paid by the Bank up to the 1st day of July, 1841.

The interest due and unpaid, up to the 1st day of Oct., 1846, is as follows, viz:

On 500 bonds sold U. S. Tr. Department, from 1st, 1841, to 1st Oct., 1846,	$157,500 00
On 971 bonds sold J. D. Beers, (atfer deducting 29 redeemed,) is	305,865 00
On 30 bonds sold R. M. Johnson,	9,450 00
Undisputed interest (not including foreign exchange,)	$472,815 00
On 500 hypothecated bonds the interest would be from time of sale, 7th Sept., 1840, to 1st. Oct. 1846,	181,915 00
	$654,730 00

Very repectfully,
Your obedient serv't,
THO'S W. NEWTON,
Cashier and Sec'ry.

OFFICE OF THE TRUSTEES OF R. E. BANK,
Little Rock, 16th October, 1846.

To His Excellency,
THOMAS S. DREW,
Governor of Arkansas:

SIR—In response to your letter of 13th inst., I herewith submit a tabular statement, and proceed to answer more fully than shown by it, the questions propounded by you in regular order—you desire to be informed upon the following points, viz:

1st: "The amount of the assets of the bank at the time it was placed in liquidation by the directors."

Answer—As near as I can ascertain from the returns of the several officers, in a hurried examination, the amount was $2,405,966 15, consisting of the items as shown by the accompanying table.

2d: "The amount secured by stock on real estate."

Answer—The amount of stock notes proper was $663,906 60, which is secured by the mortgaged lands alluded to, in the next question and answer; a portion of notes and bills, being for loans on stock account, is also secured in same manner, and would probably swell this item some $300,000 more and lessen the amount of notes and bills that much.

3rd: "The valuation of the whole of the real estate pledged by mortgage to the State, and the probable value now, and whether any considerable amount so pledged has been abandoned or become of less value from causes other than the general depreciation of lands in our State."

Answer—The value as shown by the table on lands appraised in 1837, was $2,603,932 32; and on those appraised in 1839, for Van Buren Branch, was $776,840 .00, making total valuation of real estate pledged by mortgage to the State, $3,380,772 38. It will be perceived that the appraised value in 1837, was an average of over twenty-one dollars per acre on the total amount. Without having a personal knowledge of the land, I have no doubt that some of it, in the cotton region, is now worth from 20 to 40 dollars per acre, but taking the whole 127,520 acres, it is probable a fair average price at this time, would not exceed 12 dollars per acre, which would reduce the valuation of 1837, and lessen the security for the payment of the bonds $1,073, 692. The land appraised in 1839 for the Van Buren Branch, was at an average of near $13 per acre, and though these lands may be equal in fertility to any in the State, yet they are situate generally *out of the cotton region;* and I suppose would not on the whole 60,290 acres, average more than $8 per acre; which would reduce the valuation of 1839, and lessen the security for the payment of the bonds $294,520. So that the total depreciation from the original appraisement, I think may be safely set down at $1,368,212, or instead of the whole of the mortgage lands which were pledged for the final payment of the bonds issued by the State being worth as estimated $3,380,772, the sum of 2,012,560 dollars would approximate more nearly to the true value at this time. Whether these lands will, or will not, increase in value, as the State shall populate and improve, so as to bring them back to the original appraisement, by the time the bonds fall due in 1861, is a question to be solved hereafter, and one of vast importance to the State.

There has been no abandonment of the lands mortgaged within my knowledge, with the exception of a plantation in Chicot county injured by the overflow of the Mississippi. The fact that land is under mortgage to the Bank for the ultimate payment of the bonds has no doubt lessened its value in the estimation of many persons aside from "the general depreciation of land in our State," and some of it has also been injured by the floods in the Arkansas and Missississippi rivers, but not I believe permanently so, or to any very great extent.

4th: "The annual amount that has been paid in, on bills receivable and stock notes, designating the amount on each character of indebtedness."

Answer—The total amount paid in, since the assignment is about $274,000, or an average of $68,500 per annum; what proportion of this amount was paid on each class of notes I cannot at present ascertain correctly, but suppose it may be stated as follows, viz: On stock notes, 22,125 per annum, making $88,500. On bills and notes, $46,375 per annum, making $185,500.

5th: "Your reasons for any opinion you may entertain for the tardiness on the part of stockholders in meeting the demands on them in favor of the bank."

Answer—The only reasons I can give in answer to this question, for the seeming "tardiness" of stockholders, are drawn from the following considerations and suppositions, the most of which are equally applicable to other debtors to the bank. First, in most instances, I presume it arises from *inability*—with some there may be an indisposition to pay—the great floods of '44 and '45, in all our rivers, destroyed the growing crops of the large stockholders and many other debtors to the bank, and rendered it impossible for them to meet the demands upon them; and operated so injuriously upon all the citizens of the State, as to require several years of prosperity to wipe out entirely the effects of the general calamity; five more years at least will be required for the State to recover from the disasters spoken of. Second, the money at first borrowed from our banks, to a great extent, was expended in the payment of *prior* debts *out of the State*,—in the purchase of additional negroes,—and in the clearing up and cultivation of more land: when notes fell due, new loans were needed to make payments, as some time must necessarily elapse before the increased expenditures would be reimbursed by the products of the soil. Third, when the banks were discounting freely, CREDIT WAS SO CHEAP that many were induced to borrow more largely than prudence would ordinarily dictate; and they have not yet recovered from this imprudence.—

Fourth, the stock of some was secured by lands at an exorbitant valuation, who borrowed, no doubt intending in good faith to pay; but self-interest now prompts them to surrender their lands in discharge of their debts. Others mortgaged estates, the value of which have increased by the clearing up, and bringing more land into cultivation, who became alarmed when they found the bank in failing circumstances, lest their estates might be lost in making up the deficiency of the other class, in the final payment of the bonds; and seeing the rapid decline in the value of Arkansas money, they supposed very naturally that when the bonds were thrown into market for sale, a still farther decline would take place, and enable them to pay on easier terms. In waiting thus, however, thay seem to forget that the *interest*, "like an eating moth," is still accumulating on their debt, and keeping pace with the decline in the value of the bonds. Fifth, the excitement which grew out of the assignment in 1842, of the effects of the bank, to trustees, and the successful efforts which were made in many instances, to frustrate their attempts to make collections, the difficulty experienced in parts of the State in getting judgments where the bank was a party, led many to imagine that they might escape without paying any thing, this delusion has happily passed away with the excitement which gave rise to it; and those heretofore the most "tardy" in meeting the regular calls of the bank, are now making arrangements to pay largely out of their growing crops of cotton. The strange feeling which seems to have been excited in the minds of a great many of the debtors, to all the banks in our State, that by some management or other, they would be entirely released from their indebtness without an effort to pay, it is to be hoped, was but a momentary impulse growing out of the pecuniary embarrassments of the times, aud that as abundant crops shall crown their labors, and prosperity once more smile upon them, they will remember that their bank liabilities are not only as obligatory upon them, but are as sacred debts as any other promises to pay.

Very respectfully, your obedient servant,

THOMAS W. NEWTON,
Cashier and Sec'y.

Total number of acres of land originally mortgaged by subscribers for stock in the Real Estate Bank of Ark's.	100ths	No. of acres in cultivation when mortgaged.	Total value affirmed by the appraisers in 1837 & 1839.	No. of slaves awarded.	Question 1st. The amount of assets of the Bank at the time it was placed in liquidation by the directors.	Question 2nd. The am't secured by stock on real estate.	Question 3d: The value of the whole of the real estate pledged by mortgage to the State, are the probable value now, and whether any considerable amount so pledged has been abandoned or become of less value from causes other than the general depreciation of lands, in Ark's.	Question 4th: The annual am't that has been paid in, on bills receivable and stock notes designating the amount on each character of indebtedness.	Ques. 5th: Your reasons for any opinion you may entertain for the tardiness on the part of stockholders in meeting the demands on them in favor of the bank.
In 1837, 127,520	65	14,460	2,603,932 32	22,500	In notes and bills, $1,259,334 79 In stock notes, 663,936 60 Real estate t'n lots, &c., 34,394 92 In am't due from banks, 30,242 82 In specie means, 53,551 62 Bank notes of Ark's, 364,535 40	Stock notes, 663,906 60 Part of notes and bills, 300,000 00	Appraised valuation '37 & '39, 3,380,772 38 Estimated depreciation in value as explained by accompanying letter and remarks, 1,368,212 00 Supposed value now, $2,012,560 38	On stock notes $22,125 per annum, making total of $88,500; on bills & notes $46,375 p annum, making $185,500, being total paid in since assignment, $274,000.	See accompanying letter.
In 1839, 60,290	24	4,831	776,840 06	5, 40					
187,810	89	19,291	$3,380,772 38	28,140	$2,405,966 15	Estimated, $963,906 60			

PRINCIPAL BANK OF THE R. E. BANK OF THE STATE OF ARKANSAS, *Little Rock.* }

The undersigned, *Wm. W.* Stevenson, President pro. tem. of said Bank, and exercising and discharging the functions and powers of the President thereof, hereby certifies, that under and by virtue of an act of the General Assembly of the State of Arkansas, approved the 24th day of February, 1838, entitled "an act to authorize the stockholders of the Real Estate Bank of the State of Arkansas, to establish a Branch in the western part of this State. The sum of five hundred and sixty-four thousand dollars, divided into shares of one hundred dollars each, has been subscribed for, according to the provisions of said act, and said sum has been fully and amply secured by the subscribers for said stock, and that they have fully complied with all the requisitions that were required from the first subscribers for the stock of said Real Estate Bank, according to the provisions of the act establishing the same.

{L. S.} In witness whereof, I have hereto subscribed my name, and caused the seal of the Bank to be affixed at Little Rock, 4th day of July, A. D., 1839.

[Signed] WM. W. STEVENSON,
President pro. tem.

I certify the foregoing to be truly copied from the records of the Real Estate Bank, 23d of October, 1846.

THOS. W. NEWTON,
Cashier and Sec'y.

STATEMENT showing the amount of State Treasury Warrants issued and redeemed in each quarter, beginning with the 1st quarter of 1845, and ending with the 3d quarter of 1846, with the balance of each quarter unredeemed, the aggregate of the unredeemed amounts is the amount of State Warrants outstanding and unredeemed on the 30th day of September, 1846.

	AMOUNT ISSUED.	AMOUNT REDEEMED.	AMOUNT UNREDEEME.
1ST QUARTER OF 1845. Warrants issued this quarter,	$8,470 97	$8,318 13	$152 84
There is now in the Treasury the sum of $152 84-100 specie to redeem the bal. of outstanding Warrants issued this quarter.			
2ND QUARTER OF 1845. Warrants issued this quarter,	33,303 21	6,922 04	6,381 17
3RD QUARTER OF 1845. Warrants issued this quarter,	16,226 97	9,907 79	6,319 18
4TH QUARTER OF 1845. Warrants issued this quarter,	8,859 98	4,922 45	3,937 53
1ST QUARTER OF 1846. Warrants issued this quarter,	9,165 59	864 65	8,300 94
2ND QUARTER OF 1846. Warrants issued this quarter,	7,619 71	508 33	7,111 38
3RD QUARTER OF 1846. Warrants issued this quarter,	5,687 03	110 98	5,576 05
	$69,333 46	$31,554 37	$37,779 09

RECEIVER'S OFFICE STATE BANK,
Little Rock, Oct., 1846.

To his Excellency,
THOMAS S. DREW,
Governor of the State of Arkansas:

SIR—In compliance with your request per letter of this date, I have the honor of transmitting herewith a statement, showing the number of 5 and per cent. Arkansas State Bonds issued and sold for this Bank, and the number now outstanding; also, the amount of interest due on the same up to the 1st October, 1846.

The interest on the 5 per cent bonds sold to the Secretary at War, has been paid up to the 1st January, 1842. The 6 per cent bonds were made payable, one-half in New York, and one-half in London, the interest upon which, payable in New York has been paid to the 1st of July, 1841, and $4,980 00 has been paid on the instalment due 1st January, 1842, and the interest due in London has been paid up to the 1st January, 1842.

The interest due on the bonds sold to Col. Johnson, was to have been paid by him; none of which has been paid, however, since the 1st January, 1841.

No provision has been made for the payment of any of the interest on our bonds since the dates herein mentioned.

In making up my statement of interest due on State Bonds, in the Report of the 1st October, inst., it was based upon a calculation made under the impression that the interest due in London on the 6 per cent bonds, had not been paid up to a later date than the interest due in New York, hence the difference between that statement and the one here presented

Very respectfully,
Your obedient servant,
A. E. THORNTON,
Financial Receiver.

Statement showing the number of State Bonds issued for the Bank of the State of Arkansas outstanding, and the amount of interest due to 1st *October*, 1846.

146 5 per cent. bonds sold to the Secretary at War, and payable in New York, $1,000 each,	146,000		
19 have been redeemed by the bank,	19,000	127,000	
30 five per cent. bonds sold to Col. R. M. Johnson,	30,000		
7 have been returned by do.,	7,000	23,000	
1000 6 per cent. bonds, payable one half in New York, and the other half in London, of $1,000 each,	1,000,000		
3 have been redeemed by the bank,	3,000	997,000	
Leaving 1,147 bonds unredeemed,			1,147,000 00
Upon the 127 five per cent. bonds, interest is due as follows:			
6 months interest due 1st July, 1842,	3,175		
" 1st January, 1843,	3,175		
" 1st July, "	3,175		
" 1st January, 1844,	3,175		
" 1st July, "	3,175		
" 1st January, 1845,	3,175		
" 1st July, "	3,175		
" 1st January, 1846,	3,175		
" 1st July, "	3,175		
3 " 1st October, "	1,587 50	30,162 50	
Upon the 23 five per cent. bonds, interest from the 1st January, 1841, to 1st October, 1846, being five years and nine months,		6,612 50	
Amount of interest on 5 per cent,			36,775 00
Upon the 997 6 per cent. bonds, there is due as follows:	In New York	In London	
Balance interest due 1st January, 1842,	10,020		
6 months interest due 1st July, "	14,955	14,955	
" 1st January, 1843,	14,955	14,955	
" 1st July, "	14,955	14,955	
" 1st January, 1844,	14,955	14,955	
" 1st July, "	14,955	14,955	
" 1st January, 1845,	14,955	14,955	
" 1st July, "	14,955	14,955	
" 1st January, 1846,	14,955	14,955	
" 1st July,	14,955	14,955	
3 " 1st October.	7,477 50	7,477 50	
	152,092 50	147,027 50	
Amount of 6 per cents,			294,165 00
		Dollars	1,477,940 00

A. E. THORNTON, *Financial Receiver.*

Receiver's Office, State Bank,
Little Rock, 22d October, 1846.

PENITENTIARY REPORT.

To the Honorable, the General Assembly
of the State of Arkansas, now in session:

In compliance with the requirements of law, the Board of Inspectors of the Penitentiary would lay before your Honorable body their report, respecting the condition of that institution.

The following table exhibits the monetary affairs of the Penitentiary up to the second inst.

DR		CR.	
During the agency of Mr McVicar, the Penitentiary is in debt	$1,979 79	During the Agency of Mr. McVicar, there is a credit of	$1,070 24
In H. Haralson's time,	557 95	During the agency of H. Haralston, the credit is	188 86
The institution is in debt since the burning of the Penitentiary, to Agent, Clerk, and Guards,	776 57	Cash account since the burning of the Penitentiary,	202 47
Due George & brothers,	46 00	Property sold since the burning of the Penitentiary,	202 45
Due Mr. Sweet,	24 45		$1,664 02
Due Tho's Parsel for feeding Prisoners and Guards,	1,642 60		
Due George & brothers,	10 37		
Due Geo. Waring & Co.,	9 25		
Due Dr. H. Harberman for medicine,	15 00		
Due Dr. Tappe, for medicine,	10 00		
	$5,070 78		
Credit,	1,664 02		
Balance due by Penitentiary.	$3,406 76		

The appropriation of $5,500 at the last session of the General Assembly, was principally absorbed in payment of arrearages:—the balance was paid out within the past four or five months for salaries of the officers, thereby throwing the operations of the institution upon its own limits, resources, and credit, to purchase materials. The Agent, under the direction of the Board, introduced the manufacture and use of McBride's Spring Machines. Several were made and used by the convicts with success. Three looms were also made and used. The product of each loom was from 18 to 20 yards of cloth per day. From the limited experiment made, no doubt was entertained by the board, that that branch of business could be profitably carried on by the convicts, but the want of means prevented a fair experiment.

In addition to the other drawbacks on the operations of the institution, a systematic combination of the mechanics of the City and vicinity of Little Rock against the institution has been felt by the board. It is not the province or desire of the board to impeach the motives by which that class of our citizens were moved in this affair, but this much we feel bound to say, that in the helpless condition in which the institution was placed, it was a fatal stab at its very existence. Without means to procure machinery and materials for manufacturing "even Hemp," which seems to have been the only admissible species of labor, the Agent was compelled to give to its resources such direction as would yield an immediate income. It is not within the knowledge of the board what the actual profits or loss on any branch of business has been. The inconvenient and unfurnished condition of the prison and shops, together with other causes, prevented a full experiment in any one branch, except that of blacksmithing. This branch of business was carried on successfully and with profit to the institution. It may not be inappropriate at this time to say a word respecting the treatment of the convicts. This is the more necessary from a legal investigation in which this subject was adduced in testimony before the Honorable Circuit Court of Pulaski county. However desirable to philanthrophy it may be that men under sentence of law to labor at the weal and direction of legal officers, should be exempted from corporal punishment, experience has clearly shown that no such exemption can be introduced. Men of desperate temperaments must be punished in some way, so as to cause fear to operate in default of a better feeling. The food provided for the convicts has ever been such as the resources of the institution would justify. It is admitted that too much salted provision has been used. This, together with the damp and confined situation in which the convicts were placed, has had a tendency to produce scorbutic diseases. In one or two instances the Agent was compelled to keep, for a time, desperate men in close confinement, and in one instance this mode of punishment was continued for a considerable time, but the safety of the institution depended on it. This is more than evident from the fact that the same person no sooner obtained a little liberty than he instigated the revolt which led to the destruction of the building and public property. On the 5th day of August last, during the temporary absence of the Agent, this revolt occurred upon the first move. The two guards inside the prison were disarmed without making any resistance. One of them was thrown from the second floor to the ground floor. One or two of the convicts inside the building tendered their aid in resisting the rioters, but the guards declined the contest giving all up to the will of the desperate mob.

This want of firmness on the part of the guards, subjected the well-disposed to great peril from the enraged men who had now full control of the inside of the prison. The outside door leading into the yard, where some eight or ten of the most reliable convicts were employed was open, but before the rebels could gain it, it was closed and the under keeper had it, through the aid of the convicts in the yard, guarded against the attempts of those inside.—When foiled in their attempt on the main door and the north door, as well on the wall near the fire-place in the cook room, they set fire to the building in one of the upper cells, as well as below in one of the workshops, which in a few minutes spread through the entire building. Those inside were in imminent danger of being suffocated before a sufficient number of citizens arrived from town to render it safe to open the door.

The two guards with the well disposed convicts were compelled to remain in the upper part of the building to save their lives, until the flames forced them to make an attempt to force their way to the door, which they succeeded in doing at the peril of their lives. The door was opened for their escape from fire, and the weapons of their assaults. At this moment a convict named Morgan, one of the ring-leaders of the mob, forced his way out, armed with a pistol and bowie knife, cutting at all in the way of his escape. He was shot dead by one of the convicts who had been armed to defend the door. When assistance arrived from town, it was too late to save anything inside the building.

The stock on hand with the tools, bedding, clothing, and, in a word, every thing pertaining to the institution, was consumed in a short time. The convicts were taken to the county jail, where they were confined, and have remained until the present time—except when at work. The board was much perplexed with the deplorable condition of the convicts, who were destitute of every article of clothing and bedding, except what they had on when the affair took place—crowded into a small space during the hottest weather ever experienced in our latitude. Their sufferings were such as to draw largely on our sympathies. A contract was entered into with the Keeper of the county prison for the safe keeping and feeding the convicts. The expense of feeding them has been borne by the Jailor, relying upon an early appropriation by the Legislature to re-imburse him for the expenditure. The resignation of the Agent at this critical period, (which was caused from ill health), threw the entire care of them on the board. After much deliberation it was resolved by the board to have the convicts employed in making brick. This business was fixed on as one that would be the least expensive and least liable to afford the ground for writ of habeas corpus by the friends of any of the convicts.—Accordingly on the 12th day of August, a contract was signed in duplicate between the board of Inspectors and John Robbins. The weather proved unfavorable for a time, which retarded their operations. Several men also fell sick, which reduced the number of hands to labor. They have moulded and dried one hundred and sixty thousand bricks, which are now ready for burning. Several of the convicts have been kept at work in the blacksmith shop, doing a small jobbing business. This, with the sale of such manufactured ware as was not destroyed, has afforded a small amount of cash for pressing demands growing out of the condition of the convicts, and pressing necessities of the Institution. The entire amount of property saved from the institution was $1,680 78.

This consisted of unsaleable and unfinished articles, which, when put into the market, did not produce their nominal valuation.

The annexed table will show the number of commitments, deaths, pardons and escapes, since the meeting of the Legislature of 1844.

Number of commitments, - - - - -	30
" deaths, - - - - - - -	3
" pardons, - - - - - -	8
" escapes, - - - - - - -	2
Whole number at this time, - - - - -	48

It may not be deemed by your honorable body officious on the part of the board of Inspectors to lay before you their views respecting the moral influence of the institution upon the whole community. It is an admitted fact, that crime is on the increase. Whether this is to be attributed to the increased facilities for the perpetuation of crime, or the insufficient remedy for the punishment and prevention of crime, has not been satisfactorily determined. This much may be relied on as certain, that the Penitentiary system is not effectual either as a preventative or restorative, as a means of reproving the lawless and disorderly—your board have not perceived any of its beneficial effects. Indeed, so far as our personal knowledge has extended, our State prison has been a complete failure as a reformatory system. It must be admitted, however, that the imperfect condition of the whole establishment has operated as a powerful draw-back on the moral reformation of convicts. So long as men have a ray of hope left for escape from confinement, they are not much inclined to listen to moral lessons.

During the interim since the last General Assembly, but little has been attempted by way of teaching.

In the month of June last, the female philanthropist, Miss Dix, visited the Penitentiary, and subsequently forwarded a small but well selected library, consisting of Bibles and books of prayer, with other religious and scientific works. Fortunately this donation escaped the general destruction that befel the other property of the institution. On the subject of rebuilding, your board has been very much at a loss to form an opinion. The present state of society seems to demand this mode of punishing crime. It is exceedingly doubtful whether a resort to the *whip* and *halter*, as was formerly the case for theft, arson, &c., would not be an equivalent to exemption from punishment altogether. Such is the repugnance in the public mind to barbarous punishment, strenuous efforts are now making, both in Europe and America, to dispense with capital punishment in all cases. This strange innovation proceeds from a morbid and misguided sympathy. The present financial condition of the State precludes the idea of drawing on the ordinary resources of the State either to repair or rebuild. In the event your honorable body should determine to rebuild, it can be done to a very considerable extent by convict labor. It is the opinion of your board that rebuilding is preferable to repairing.—The reason for this opinion is, that the present building is not suited to that kind of labor that must become the entire business of convicts, viz: manufacturing cotton and hemp.

All of which is respectfully submitted.

L. REARDON,
JOHN ADAMSON,
W. W. STEVENSON.
Inspectors.

Report of the Select Committee on the Special Message of the Governor, about the Congressional vacancy.

Mr. Speaker—Your committee, to whom has been referred the special message of the Governor, communicating to the House information in regard to the Representative in Congress from Arkansas, Hon. Archibald Yell, have had the subject under consideration, and beg leave to submit to the House the following report:

It appears that the Hon. Archibald Yell was elected a member of the twenty-ninth Congress, in October, 1844, and that he entered upon the discharge of his official duties at the opening of the first session of said Congress, and continued to serve until about the 20th of May, 1846, when he left his seat with a view of engaging in the war against Mexico. He immediately returned to Arkansas and joined Capt. Borland's company of mounted gunmen, as a private, and on the —— day of July last, he was elected Colonel of the Arkansas regiment of mounted gunmen, raised in answer to a call of the President, in pursuance of an act of Congress approved May 13, 1846, providing for the prosecution of the war against Mexico. Col. Yell was commissioned by the Governor, mustered into the service of the United States, and marched, under the command of Gen. Wool, to Mexico, where your committee have reason to believe he now is, without any reasonable prospect of his resuming his seat in Congress. Several other Members of Congress and Federal officers engaged in the same service, all of whom, your committee learn, have resigned their seats in Congress.

Your committee are informed that no information has been received of Col. Yell's resignation of his seat in Congress. The commencement of the session is approaching, and the probability is, that Arkansas will be unrepresented on the floor of the House of Representatives. The importance of the session, and the local interests of the State considered, your committee need not dwell upon the detriment which may possibly result to the State and to the Country from such vacancy. For however unanimous may be the voice of the people in favor of a new election, and however important such a step may be, the question is at last, not so much one of expediency as of right.

The true question, in the opinion of your committee, for the consideration of the Governor, and the one on which he asks the advice of the Legislature, is, has a vacancy in the office of Representative to Congress occurred? For if so, it becomes the imperative duty of the Governor to cause an election to be held to fill the unexpired term of the office.

It seems to be an universally conceded principle of law, that if an officer accepts another office incompatible with the first, by the acceptance of the last the first is vacated.

The Constitution of the United States divides the Government into three different branches, Legislative, Executive, and Judicial. The whole genius of our Government requires that these three departments be kept separate and distinct. Such is the principle universally prevailing in all the States. It is equally important to the rights and sovereignty of the States, that officers of the United States Government should not at the same time, receive and hold offices under the State Governments. Were this not so, we might have the spectacle of officers, executive, legislative, and judicial, of the States, exercising offices of the same or different departments in the Federal Government. Such a principle was no doubt considered by the framers of our Government so at war with the sovereignty of the State and Federal Governments, that the Federal Convention deemed it unnecessary to impose such a prohibition. That the State and Federal offices should be kept distinct, seems to be universally admitted.

In the sixth section of the first article of the Constitution of the United States, it is declared that "no person holding any office under the United States shall be a member of either House during his continuance in office." This prohibition is general, and relates to every description of office under the United States, whether executive, judicial, or legislative. If your committee are right in their reasoning as to State offices, and that they are they entertain no doubt, then it is wholly unnecessary to inquire whether Col. Yell's office is held under the State or Federal Government. In either case the office of Colonel is incompatible, and vacates the first. But if any shall believe that they are wrong as to their first conclusions, it may then become proper to enquire into the nature of his present office.

The act of Congress of the 13th May, 1846, authorizes the President of the United States to employ the militia and naval forces of the United States, and to call for and accept the services of any number of volunteers, &c. It provides that the militia may be compelled to serve for the term of six months, &c. The third section of the act requires the volunteers to furnish their own clothing, &c.; and that when mustered into service they shall be armed at the expense of the United States. The fourth section of the act provides that said volunteers shall, when called into actual service, and while remaining therein, be subject to the rules and articles of war, and shall be *in all respects*, except as to clothing and pay, placed on the same footing with similar corps of the United States Army. The fifth section of the act provides that the volunteers so offering their services, shall be accepted by the President in companies, battalions and squadrons, whose officers shall be appointed in the manner prescribed in the several States and territories to which said companies belong.

A clear distinction is made in this act, both as to the duration of service, the manner of acceptance, and the rules of government of the militia and the twelve month volunteers. But the farther consideration of this distinction is unnecessary in this case. The officers and soldiers of the volunteers are, in every respect, placed on the same footing as the officers or soldiers of the same rank in the regular army. The officer, although commissioned by the Governor of the State where raised, is still an officer of the United States, exclusively under the control of the President of the United States, who alone could accept his resignation, and he could only be tried and lose his commission by the law of the United States. Indeed he is no ways amenable to the State authorities, or is any such rank as twelve month volunteers known to the militia laws of the State. He is paid by the United States, and exclusively under the control of the President. According to this view of the subject, Col. Yell belongs to the Executive branch of the Government of the United States, under a law creating and providing for the office while he was a member.

It, therefore, only becomes necessary to inquire whether such Executive office is incompatible with the office of a Legislator of Congress; and if incompatible, whether the first office is vacated by the acceptance of the last. Your committee have not found time to consult extensively the decisions in other States, and they therefore content themselves by referring your honorable body to the 2d vol. of Arkansas Reports, page 282, in the case of "The State *vs.* John Hutt." The Supreme Court there go into a full review of the whole doctrine of incompatibility of office, and expressly settle, that "the office of State Treasurer as well as that of Secretary of State, Sheriff, Coroner, Constable, and *Militia* Officers, are all Executive. They belong to the Executive department, for the Constitution assigns them to that division of power, and makes all the duties of an executive character."

"A person holding one office, has a right, if elected to another which he cannot hold at the same time, to accept it, but in doing so, he vacates *eo instanti* the first office."

These general principles, sustained by the very able reasoning of the Court, are in accordance with the precedents quoted by them, and with every rule of sound reasoning, and seems to settle the question. Governor Yell, therefore, holding an office under the Executive branch of the United States Government, is expressly inhibited by the Constitution of the United States from being a Member of Congress. The acceptance of the latter vacates the former.

Under every view of the subject, your committee are therefore of opinion, that the office of Member of Congress from the State of Arkansas is as clearly vacant as if the member had resigned or died, or removed from the State.

The 45th section of the law about elections of the State of Arkansas, provides that in such case, it becomes the duty of the Executive to issue his proclamation ordering an election. In the absence of any law of Congress regulating the subject, this law becomes the rule of action for the Governor. It is the duty of the Legislature to enact laws—of the Governor to see them enforced. In the case of death, removal, or resignation, the Executive, it is apprehended, would have experienced no difficulty; nor do your committee presume that the opinion or action of the Legislature can be at all obligatory on the Executive. But his Excellency has seen proper to submit to your honorable body the facts of the case, and ask their respectful consideration of the subject, and advice by joint resolution. Although, in the opinion of your committee, the responsibility must be that of the Executive, yet your committee can have no valid objection to an expression of opinion, by the representatives of the people. Your committee are sure that they have expressed the almost universal opinion of the common constituency of the country, and that that opinion is in accordance with the Constitution and laws of the land. It is not uncommon for the Legislature to consult both the co-ordinate branches of Government as to subjects of legislation, or to express their opinions as to the manner and policy of the Executive in the exercise of his official functions. Such opinions are often expressed without solicitation, both by Congress and the State Legislatures; and your committee can therefore, see no good reason for withholding an expression of opinion, when respectfully solicited by the Executive, on a matter deeply affecting the interests of the whole Country. Should your honorable body concur with your committee, and the Executive adopt their advice, a contest about the right of the member elect to his seat, is hardly likely to occur.

But should it occur, then it becomes peculiarly the province of the House of Representatives of the United States to establish a precedent. No real injury could result from the election.

Your committee would therefore respectfully recommend the adoption of the following joint resolution.

CROFT, *of Green county*,
CHAIRMAN.